



Gray Davis  
Governor



Winston H. Hickox  
Agency Secretary

# Accomplishments *&* Priorities

*July–December 2002* *January–June 2003*

CALIFORNIA  
ENVIRONMENTAL  
PROTECTION AGENCY  
OFFICE OF THE  
SECRETARY

DEPARTMENT OF  
PESTICIDE REGULATION

DEPARTMENT OF  
TOXIC SUBSTANCES  
CONTROL

INTEGRATED  
WASTE  
MANAGEMENT  
BOARD

OFFICE OF  
ENVIRONMENTAL  
HEALTH HAZARD  
ASSESSMENT

STATE WATER  
RESOURCES  
CONTROL BOARD

AIR RESOURCES  
BOARD







# California Environmental Protection Agency

**Mission:** *To restore, protect and enhance the environment to ensure public health, environmental quality and economic vitality.*

**Vision:** *A California that enjoys a clean, healthy, sustainable environment that enhances the quality of life for current and future generations, and protects our diverse natural resources.*

## INTRODUCTION

This document reports significant accomplishments of each of the boards, departments, and offices within the Cal/EPA family for the second half of 2002. It also defines our goals for the first half of 2003.

References to Cal/EPA's *Strategic Vision* provide a context within which we set priorities in a time when tough decisions are required.

The purpose of this document is to ensure that all interested parties—legislators and staff, environmental organizations, media, industry, and other Californians—have a clear picture of where we are and where we are going.

Cal/EPA's semiannual report, *Accomplishments and Priorities*, is published after the end of each six-month period. In that way, we account for our activities and generate a dialogue regarding the direction Cal/EPA is taking.

Winston H. Hickox, Agency Secretary

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# **CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY OFFICE OF THE SECRETARY**

Unless otherwise indicated, all dates given are for 2002.

# California Environmental Protection Agency Office of the Secretary

The mission of the California Environmental Protection Agency (Cal/EPA) is to restore, protect, and enhance the environment to ensure public health, environmental quality, and economic vitality. Cal/EPA's vision is of a California that enjoys a clean, healthy, sustainable environment that sustains the quality of life for current and future generations, and protects our diverse natural resources.

## ***Sustainability and Pollution Prevention***

Also known as source reduction, pollution prevention (P2) is an environmental protection approach that reduces or eliminates pollutants before they are generated. This is in contrast to more traditional regulations that seek to control pollutants via management strategies. P2 is an essential function of Cal/EPA. Its boards, departments, and offices have long included pollution prevention strategies as a preferred method for lessening the impacts of toxic and other problematic chemicals on the environment. Cal/EPA, industry, and the public support an agencywide, comprehensive, multimedia approach to P2 that would provide for better coordination of these activities. This is especially true within the context of promoting sustainable management systems. The P2 efforts of the Office of the Secretary are directed at this end.

**Cal/EPA Strategic Vision:** Supports the “integration of pollution prevention strategies into the mainstream of the permitting and regulatory process.”

**Cal/EPA Goal 4:** “Communities that are free from unacceptable human health and ecological risks due to exposure from hazardous substances and other potential harmful agents.” This goal includes at least five objectives that focus on reducing or minimizing chemical contaminants and waste streams.

## **Accomplishments**

1. **Cal/EPA P2 Team:** Members of the Sustainability/Executive Steering Committee met to discuss their ongoing task of promoting and coordinating an agencywide pollution prevention agenda. The committee decided to authorize the appointment of a Cal/EPA P2 team. The team includes the ex officio members of the Pollution Prevention Advisory Committee (SB 1916, Sher, Chapter 881, Statutes of 1998), who represent Cal/EPA and each of its boards, departments, and offices.
2. **California P2 Partnership (CAP3):** The California P2 Partnership is a project with the Department of Defense (DoD) to establish a stronger working relationship between the State of California and its various military installations. The goal is to better protect the environment by promoting pollution prevention, enhancing communication, and fostering innovation. Cal/EPA negotiated on behalf of the State with DoD to adopt a governing charter. The CAP3 charter was signed on November 26.



## Priorities

1. **Cal/EPA P2 Team:** The Cal/EPA P2 team will:
  - Support the P2 component of the “performance for sustainability” projects.
  - Coordinate Cal/EPA’s role in CAP3.
  - Identify ways to improve cross-media and cross-program coordination.
2. **California P2 Partnership (CAP3):** Cal/EPA will continue to participate in the partnership by:
  - Fostering the exchange of technical information on P2 practices and success stories between the State and its military partners as well as other public and private entities.

## Environmental Justice Program

The goal of environmental justice (EJ) in California is “to reduce or eliminate the disproportionate impacts of pollution on low-income and minority populations.” In 1999, Governor Davis signed the first explicit environmental justice legislation in the nation (SB 115, Solis, Chapter 728, Statutes of 1999) defining environmental justice and establishing an environmental justice program within Cal/EPA. Consequently, Cal/EPA has made the achievement of environmental justice an agency priority.

## Accomplishments

1. **Intra-Agency Environmental Justice Strategy Framework:** The Cal/EPA advisory committee on environmental justice developed an agencywide EJ strategy framework. In September, public workshops were conducted throughout the state to gain input from various stakeholders as to what should be incorporated into the strategy. The strategy framework attempts to incorporate suggested gaps and comments received from previous environmental justice public meetings and workshops.
2. **Intra-Agency Environmental Justice Strategy Development Workshops:** September public workshops were conducted throughout the state—Oakland, Fort Ord (Monterey), Fresno, Los Angeles, and San Diego—to gain further input into what should be incorporated into an intra-agency environmental justice strategy framework. More than 200 people attended the workshops to give comment.
3. **Expansion of Cal/EPA Advisory Committee on Environmental Justice:** In September, the original 13-member advisory committee was expanded to a 17-member committee by the passing of SB 1542 (Escutia, Chapter 1003, Statutes of 2002) signed by Governor Davis. The committee was expanded to include representation from a federally recognized Native American tribal government, environmental justice organizations, and additional representation from small business. The committee provides recommendations on the development and implementation of environmental justice to the Cal/EPA interagency working group on environmental justice. On

November 20, the advisory committee conducted a public meeting to discuss the next steps in ongoing development of the committee's recommendation of an intra-agency environmental justice strategy. Approximately 75 people from various sectors and regions of California attended the committee meeting.

4. **Environmental Justice Training:** Cal/EPA conducted monthly environmental justice training for all Cal/EPA staff to raise awareness on EJ issues and provide consistent fundamental skills on examining EJ issues. The training team, composed of staff representing Cal/EPA's boards, departments, and offices, trained approximately 600 Cal/EPA staff throughout 2002.

## Priorities

1. **Intra-Agency Environmental Justice Strategy:** The advisory committee on environmental justice established a subcommittee in November to further develop and refine the strategy framework into a more clear document (final recommendation) for Cal/EPA.
2. **Environmental Justice and Government Coordination:** Cal/EPA will work to examine opportunities to enhance coordination efforts with other governmental agencies on environmental justice issues. Cal/EPA will meet with other governmental agencies to discuss ways to effectively coordinate between Cal/EPA and other agencies that may involve a multitude of governmental (local, State, and federal) influences.
3. **Cal/EPA EJ Small Grant Program:** The passage of AB 2312 (Chiu, Chapter 994, Statutes of 2002) in September establishes a small grant program within Cal/EPA. Grants will be awarded on a competitive basis to nonprofit entities and federally recognized tribal governments that are located in areas adversely affected by environmental pollution and hazards. Regulations for the small grants will be developed to carry out the intent of the legislation and establish the criteria for small grants.
4. **Environmental Justice Training:** Cal/EPA will continue EJ training for staff. The present curriculum will be reviewed to include the most current environmental justice information. The environmental justice training covers both general concepts and media-specific issues in addressing environmental justice.
5. **Environmental Justice Web Site:** Cal/EPA's environmental justice Web site is dedicated to facilitate access to environmental information and resources for stakeholders interested in environmental justice. Cal/EPA will enhance the EJ Web site to encourage effective public participation and coordination on environmental justice issues. The Cal/EPA EJ Web site address is [www.calepa.ca.gov/EnvJustice/](http://www.calepa.ca.gov/EnvJustice/).

## Brownfields

Cal/EPA is committed to putting California's brownfields back into productive use in order to stimulate redevelopment in urban cores, protect public health and the environment, provide jobs, and

improve the quality of life in affected communities. Brownfields are areas previously used for industrial purposes that are now polluted or perceived to be polluted.

To accomplish these goals, Cal/EPA—with the Department of Toxic Substances Control (DTSC) and the State Water Resources Control Board (SWRCB)—identifies impediments to brownfields cleanup and redevelopment, develops cleanup incentives, coordinates available cleanup processes, and develops networks that can assist in cleaning up and redeveloping brownfields.

## Accomplishments

1. **Brownfields Coordination:** Cal/EPA continued discussions with State, local, and federal agencies to develop relationships with all involved in brownfields development activities. These discussions also included representatives of developer, business, environmental, and community interests to identify brownfields policy issues.
2. **Cleanup Processes:** Cal/EPA participated with DTSC, SWRCB, regional water quality control boards (RWQCB), and the California Integrated Waste Management Board (CIWMB) in ongoing efforts to examine the various cleanup processes and programs overseen by the State. The goal has been to identify differences between those processes and programs and to make recommendations for program coordination and process changes in light of those differences.
3. **Brownfields Environmental Insurance:** Cal/EPA, in consultation with its contractor, MGP Environmental Partners LLC, developed a request for qualifications and proposals that was advertised on August 12. Cal/EPA also hosted discussions with qualified insurance companies regarding the request. Qualified insurance companies were given until September 23 to submit proposals.
4. **Implementation of SB 32:** Cal/EPA, in conjunction with DTSC, SWRCB, and the Office of Environmental Health Hazard Assessment (OEHHA), continued to implement the California Land Environmental Restoration and Reuse Act (SB 32, Escutia, Chapter 764, Statutes of 2001). SB 32 established the CLERR program. In implementing this program, Cal/EPA has done the following:
  - **Screening Values.** The SWRCB submitted the San Francisco Regional Board's "Application of Risk-Based Screening Levels and Decision-Making to Sites with Impacted Soil and Groundwater, Interim Final, December 2001" to the president of the University of California for peer review.
  - **Pilot Program.** Cal/EPA has continued to monitor the implementation of the pilot study on the use of screening numbers as a tool for promoting cleanup of contaminated sites in three RWQCB areas (Los Angeles, Santa Ana, and San Diego). To date, no sites have applied to participate in the study.

5. **Cal/EPA Brownfields Web Site:** Cal/EPA continues to develop and expand its Web site with information on the various Cal/EPA brownfields programs.

## Priorities

1. **Brownfields Environmental Insurance:** Cal/EPA will continue its efforts to develop and implement the Financial Assurance and Insurance for Redevelopment (FAIR) program. Cal/EPA will interview the insurance companies that submitted proposals. An evaluation committee comprised of Cal/EPA, DTSC, and the Department of General Services will evaluate the proposals and make a recommendation to the Secretary on which to select. Cal/EPA will negotiate program features, policy terms, and product pricing with the selected insurer(s). Negotiations are expected to be completed by June 30, 2003.
2. **Implementation of SB 32:** Cal/EPA will continue to implement the various facets of the CLERR program. In implementing this program, Cal/EPA anticipates the following:
  - Screening values. Using the results of the peer review of the San Francisco Regional Board's "Application of Risk-Based Screening Levels and Decision-Making to Sites with Impacted Soil and Groundwater, Interim Final, December 2001." Cal/EPA, through OEHHA and in conjunction with DTSC and the State and regional boards, will begin development of the Cal/EPA screening values.
  - Pilot study. Cal/EPA will continue to accept applications for participants in the pilot study in the Los Angeles, Santa Ana, and San Diego regions.
  - Cleanup programs. Cal/EPA, with DTSC and SWRCB, will finalize the required informational document that compares the DTSC cleanup program with the cleanup program administered by the regional water quality control boards to help community groups, local residents, and others to better understand the different regulatory processes that govern cleanups in California.
3. **Brownfields Working Group:** Based on the comments and issues shared at the initial meeting, Cal/EPA will schedule additional meetings and organize the working group to further evaluate issues, provide recommendations, and identify additional California brownfields incentives.
4. **Coordination Efforts:** Cal/EPA will facilitate the sharing of information and increase coordination of brownfields-related efforts in California. Additional forums will be intra-agency (programs within Cal/EPA), interagency (brownfields programs within State), and intergovernmental (brownfields-related programs at the local, State, and federal levels).

## Border Affairs Unit

The border affairs unit of Cal/EPA directs the border environmental program in the California-Baja California, Mexico, border region. The vision of the program is to promote a standard of excellence

for international cooperation and collaboration that focuses on resolving environmental and natural resource issues to help ensure the future quality of a cleaner, safer, healthier, and more prosperous border region. To that end, Cal/EPA and its boards, departments, and offices have been working to address cross-media and bi-national issues.

## Accomplishments

1. **Environmental Education Agreement:** In May 2002, Cal/EPA led the development of an environmental education agreement that was signed between Cal/EPA, the Mexican Federal Secretariat of the Environment and Natural Resources (SEMARNAT) and Secretariat of Education (SEP), California Secretary for Education, the Baja California Secretariat for Ecology and Secretariat for Education, and the CIWMB. During the second half of the year, Cal/EPA worked with the Baja California State Secretariat of Education to finalize the curriculum to be taught to elementary and secondary-education students. The work plans and teaching materials are currently being translated into English and/or Spanish for instruction on both sides of the border beginning in 2003.
2. **Implementation of the Pretreatment and Wastewater Monitoring Agreement Program:** Cal/EPA is currently implementing the agreement that was signed by the State of California and government entities of Mexico in March 2001. The second phase of the project was completed in the second half of 2002. This phase consisted of the signing of contracts to begin the monitoring program in Mexicali and Ensenada in January 2003 and the beginning of the development of changes to laws and policies in Mexico that will lead to a self-sustaining and ongoing industrial wastewater pretreatment and monitoring program.

Monitoring activities in Tijuana and Tecate continued during the period of this report.

3. **Border 2012 (next phase of the U.S.-Mexico Bi-National Border Environmental Plan):** Cal/EPA actively participated in the development of the Border 2012 plan with the nine other U.S.-Mexico border states, SEMARNAT, and the United States Environmental Protection Agency (U.S. EPA). Cal/EPA has been engaged as a member of the steering and drafting committees for the plan. The plan is expected to be completed for release during the first half of 2003.
4. **Environmental Technology and Service Opportunities:** Cal/EPA developed a guide to assist environmental technology companies to begin conducting business in Baja California and Baja California Sur. The booklet describes the infrastructure of the region, opportunities for product manufacture and sales, legal and regulatory differences between the United States and Mexico, and how a company may obtain regulatory assistance with licensing or permitting.
5. **Border Coordinators Handbook:** Cal/EPA completed the *Border Coordinators Handbook* in the second half of 2002. The booklet contains standards for conduct to be followed by State of

California employees when performing business activities in Mexico and serves as a resource for Cal/EPA and State of California employees while conducting business in Mexico.

6. **Agreement of Cooperation Between the State of Baja California, Mexico, and the State of California, United States of America, to Carry Out a Pilot-Scale Vehicle Emissions Inspection Program for the City of Tijuana:** Approximately 50 percent of the remaining milestone tasks for this program were completed between July and December. These milestones include the training of technicians to operate the emission monitoring equipment, the selection of a permanent monitoring location, and the selection of a location for the establishment of an emissions monitoring training facility in Tijuana. Additionally, Cal/EPA developed and presented a training class for our project partners at the Department of Consumer Affairs, Bureau of Automotive Repair, explaining how to conduct business in Mexico.
7. **Ten States Retreat:** Cal/EPA provided coordination support to the State of Chihuahua for the annual Ten States Retreat held in September. Representatives responsible for environmental quality and environmental protection for the States of Arizona, Baja California, California, Chihuahua, Coahuila, New Mexico, Nuevo Leon, Sonora, Tamaulipas, and Texas attended the meeting. A joint declaration was approved that addresses pollution prevention, establishment of guidelines for the operation of border-area power plants, emergency response, water quality and quantity, and solid waste management.
8. **Border Environmental Program Policy Committee:** The first two meetings of the Cal/EPA border environmental program policy committee occurred during the second half of 2002. The members of the committee are the Cal/EPA Assistant Secretary for Border Affairs, executive officers and executive directors of Cal/EPA boards, departments, and offices, and designated board members within Cal/EPA. The committee is currently engaged in determining tribal nation and power plant policy within the border region.

## Priorities

1. **Implementation of the Pretreatment and Wastewater Monitoring Agreement Program:** During the first half of 2003, a program to sample and analyze specified chemicals in industrial wastewater will commence at four sites in Ensenada and at three sites in Mexicali. The results obtained from this sampling will be compared to other results from the designated sampling areas to develop a composite profile of the hazards present in industrial wastewater. Regulators from Mexico will accompany the samplers during the program to receive training on standardized sampling techniques. The current program is expected to be completed by July 1, 2003.
2. **Agreement of Cooperation Between the State of Baja California and the State of California to Carry Out a Pilot-Scale Vehicle Emissions Inspection Program for the City of Tijuana:** The emissions monitoring equipment is expected to be installed and become operational, and a training facility for technicians will be established in Tijuana.

3. **Promotion of Environmental Education:** Cal/EPA will be working with the San Diego Natural History Museum to screen the environmental education motion picture “Ocean Oasis,” an IMAX film focusing on the biodiversity of Baja California and its surrounding seas. The movie is expected to be screened in Sacramento as part of Earth Day 2003 celebrations.
4. **Joint California-Baja California Strategic Vision:** A strategic vision that will coordinate the environmental programs of California and Baja California State and local agencies in the border region will be completed.
5. **Environmental Management System (EMS):** Cal/EPA is managing a grant from the U.S. EPA to implement an EMS at up to four small- to medium-sized businesses in the border region. The purpose of this program is to determine if EMS can be used as a tool to prevent the spread of contamination across the border. During the first half of 2003, data will be gathered to identify contamination and workshops will be conducted to teach EMS principles to the targeted businesses.
6. **Hazardous Substance Sampling and Analysis Class:** Cal/EPA will develop and present a class to Mexican environmental regulators on how to sample and analyze hazardous substances and wastes, soils, and waterways. The class will inform students of applicable laws, personal protection, proper sampling, and analytical techniques and interpretation of data. Surplus equipment will be given to the students for use in the field.
7. **Co-Chairing of Energy Worktable:** Cal/EPA will lead the development and establishment of the newly created energy worktable of the border governors conference. The new worktable will serve to address energy issues faced by the border and will work in tandem with the environmental worktable. It is anticipated that the first meeting of the energy worktable will occur in February 2003.

## ***Children’s Environmental Health Center (CEHC)***

The CEHC coordinates—within Cal/EPA and with other State and federal agencies—activities related to environmental impacts on children’s health. Children are particularly sensitive to many environmental pollutants, and California is a leader in analyzing and responding to the challenge of protecting and improving their environmental health.

### **Accomplishments**

1. **Outreach and Communications:** The CEHC strategic plan was not finalized but is nearing completion and continues to be a high priority. Upgrading the CEHC Web page continues to be a priority and will include the strategic plan.
2. **Childhood Asthma:** On October 16 and 17, the CEHC hosted the fourth in a series of four workshops on triggers of childhood asthma. The workshop was part of an overall effort by the Environmental Council of the States and the Association of State and Territorial Health Officials

(ECOS/ASTHO) to develop an asthma action agenda. Cal/EPA formally endorsed the asthma strategic plan of the Department of Health Services (DHS). Cal/EPA will work with DHS to develop an implementation plan that reflects the priorities of the ECOS/ASTHO asthma action agenda and is consistent with California's needs.

3. **Coordination—Priority and Emerging Issues:** In partnership with DHS, CEHC formed the California Interagency Asthma Interest Group (CIAIG) to discuss, identify, and prioritize issues related to asthma in California. The CIAIG will conduct a workshop in January to identify areas of collaboration between environmental and health agencies.

## Priorities

1. **Greater Participation in the Environmental Council of the States:** Cal/EPA will chair the ECOS children's environmental health work group for the next four years, beginning in January 2003. The CEHC will provide technical and general support to the chair and assist in planning a spring workshop in Washington, D.C. on children's environmental health issues.
2. **Outreach and Communication:** To assist in public outreach and communications, CEHC developed a page on the Cal/EPA Web site that includes a downloadable link to the first biennial report to the Governor and Legislature. The CEHC is continuing to develop its strategic plan that will be posted on the Internet when finalized.
3. **Childhood Asthma:** CEHC will continue participation on the ECOS/ASTHO work group to finalize the asthma action agenda for adoption by commissioners in the summer of 2003. The CEHC will evaluate participating in an ECOS-funded pilot project to reduce the triggers of childhood asthma. Cal/EPA will work with DHS to implement one or more of the activities recommended in the ECOS/ASTHO asthma action plan. CEHC will continue participation in the CIAIG and collaborate to implement one or more recommendations of the January workshop.
4. **Coordination—California Environmental Health Tracking:** The CEHC will participate in implementation of a partnership between DHS and the OEHHA to develop a California environmental health tracking program. The partnership is funded by the Center for Disease Control and Prevention.
5. **Update the Biennial Report to the Governor and the Legislature:** CEHC will develop a work schedule to coordinate the activities of the boards, offices, and departments to update the January 2002 Biennial Report to the Governor and the Legislature ([www.calepa.ca.gov/ChildHealth/](http://www.calepa.ca.gov/ChildHealth/)). Updates will be conducted during the second half of 2003.

## ***Military Base Remediation and Reuse***

The office coordinates with the DTAC and the military in facilitating the return of previous bases to civilian use in an environmentally and economically sound manner.



## Accomplishments

1. **Outreach Program:** In the last six months of 2002, the Office of the Secretary continued to reach out to major employer and trade association groups to ensure their understanding of dramatic, but sensible, environmental regulations being implemented for the benefit of all Californians. The office arranged for the Secretary's appearances before trade and industry associations to discuss these efforts and to outline the directions the agency is taking. These presentations concluded with open dialogues with attendees. The Secretary has appeared at luncheons and dinners for the following groups:

- California State Chamber of Commerce.
- California Manufacturers and Technology Association.
- California Aerospace Technology Association.
- California League of Cities.

Separate outreach meetings were held to ensure major business entities understood Cal/EPA's commitment to environmental safety while retaining those entities in California. These informal meetings included representatives of the aerospace, computer technology, glassmaking, and oil processing entities throughout the state.

2. **Military Facility Issues:** Working closely with other agencies, Cal/EPA continued its commitment to the orderly and efficient transition of closed military facilities and recommitted its support to assist the Technology, Trade and Commerce Agency's "Partnerships for Preparedness" program to retain the existing military and defense industry presence in California.

Representatives from the Office of the Secretary participated in local focus group discussions regarding specific active bases that might be subject to future closure reviews. Locality-based efforts were conducted at Camp Pendleton, Beale Air Force Base, and in Monterey (to review the retention of the Naval Postgraduate School and the Defense Language Institute).

At the request of the Secretary for Technology, Trade and Commerce, and the Secretary for Resources, Cal/EPA provided staff input on the emerging challenge faced by the encroachment of surrounding communities on existing military facilities.

3. **Early Transfers of Closed Military Facilities:** Cal/EPA, most notably through the DTSC and the SWRCB, continued its commitment to expediting wherever possible the early transfer of closed military facilities. This enabled them to return to productive economic use during the past six months.

California has suffered a disproportionate share of base closing in the past four rounds of base closures. The significant number of closures of complex military-industrial sites with significant cleanup challenges requires continued close oversight to ensure that human health and the

environment are protected as these former military facilities are redeveloped to benefit local economies.

Work in this arena is not without controversy and delay. Nonetheless Cal/EPA was able to successfully recommend to the Governor the early transfer of the following sites in the last six months:

- Mare Island Naval Shipyard, Western Portion (Solano County). Transfer of 2,800 acres to the State Land Commission for a wetlands and dredge spoils project.
- Oakland Army Base (Alameda County). Transfer of 380 acres from the U.S. Navy to the City and Port of Oakland to redevelop the site for industrial, commercial, and port reuses.
- East Fort Baker (Marin County). Transfer by the Army of 93 acres to the National Park Service for a conference center and recreational use.
- Rio Vista Army Reserve Center (Solano County). Transfer of 28 acres to the City of Rio Vista for recreational and commercial use.
- Naval Communications Station, Stockton (San Joaquin County). Transfer of 1,400 acres to the Port of Stockton for general economic redevelopment.

Several facilities targeted for completion in the last half of 2002 did not make the deadline due to continued issues regarding sufficient cleanup and oversight after transfer. Those sites include:

- Hamilton Army Airfield (Marin County). Awaiting final review of a cleanup plan to enable the transfer of 600 acres to the State Coastal Conservancy for wetlands creation.
- Long Beach Naval Complex (Los Angeles County). Completing final environmental safeguard plan prior to transfer of 90 acres to the Port of Long Beach to expand its container terminal.
- Hunters Point Naval Shipyard (San Francisco County). Awaiting Navy concurrence with the City and County of San Francisco on a cleanup plan to transfer 86 acres to the City of San Francisco.

Other closed military facilities are characterizing contaminants, developing remediation plans, and reviewing reuse plans to ensure human health and the environment are protected. They are:

- Naval Station Treasure Island.
- El Toro Marine Air Base.
- Oak Knoll Naval Hospital.
- Marine Corps Recruit Depot, San Diego.

## Priorities

1. **Outreach Program:** The Secretary remains committed to the principle that environmental regulatory compliance can be achieved in cooperation with industry in California in a manner that will not unduly burden them but protect human health and the environment. Leading that effort is best accomplished by open dialogue with industry and association representatives.

The Secretary's office will continue its outreach efforts to first reach those listed above who were not reached in the last six months, then to renew the contacts with the organizations contacted in the second half of 2002. This effort will also include other industries and associations impacted by new regulatory schemes and legislation passed during 2002, such as automobile manufacturers and other transportation associations.

2. **Military Facilities Program:** Recognizing the need for a continued military presence in California as a factor in the renewal of the California economy, Cal/EPA is committed to continue its active participation to retain existing military sites along with the supporting military and defense industry infrastructure. Cal/EPA will continue its active work in concert with the Technology, Trade and Commerce and Resources Agencies and with the California Defense Retention and Re-Use Council. Cal/EPA will participate in the "Partnerships for Preparedness" locality-based meetings with community and business leaders to discuss how to ensure military facilities remain within California while complying with current environmental regulatory schemes.

The Secretary's office and staff will attend all the scheduled meetings and will actively participate in community discussions on how to best and most effectively comply with environmental regulatory programs while continuing to operate these facilities.

3. **Early Transfers of Closed Military Facilities:** Cal/EPA continues to assist in the transfer and reuse of closed military facilities in a timely and efficient manner; however, many challenges remain. Many sites are nearing completion. In the first half of 2003, Cal/EPA's goal will be to facilitate the completion of the early transfers of property at the following locations:

- Hamilton Army Airfield (Solano County).
- El Toro Marine Air Base (San Diego County).
- Oak Knoll Naval Hospital (Alameda County).
- Long Beach Naval Complex (Los Angeles County).
- Marine Corps Recruit Depot, San Diego (San Diego County).

Cal/EPA recognizes that some of the key constraints on the orderly transfer of these sites lie in differences of opinion with the Department of Defense on how to complete and oversee future

remediation work. Cal/EPA will work closely with the Department of Defense in the next six months to clarify and resolve the following issues:

- Responsibilities for the Resource Conservation and Recovery Act and the California Environmental Quality Act permitting processes, including responsibilities for effecting modifications and oversight of future efforts.
- Responsibilities for completion of the records of decision to accelerate the review process.
- Disagreements over completions of consent agreements outlining the responsibilities of all involved parties to an early transfer.

The Office of the Secretary will directly involve itself in all issues relating to the retention of active military sites within California while also working closely with affected communities, other agencies, and departments within Cal/EPA to ensure the early, safe transfer of closed military facilities wherever feasible.

## **Enforcement**

Consistent and fair enforcement of environmental laws is a necessary step toward achievement of Cal/EPA's Strategic Vision of air that is healthy to breathe; rivers, lakes, estuaries and marine waters that are safe for fishing and swimming; groundwater that is safe for drinking and other beneficial uses; and communities that are free from unacceptable human health and ecological risks resulting from exposure to hazardous substances and other potentially harmful agents. Uniform and fair application of environmental laws is also necessary in order to achieve environmental justice in California through elimination of disproportionate impacts of pollution on low-income and minority populations and to provide a consistent level of community protection for all Californians. Enforcement activities also help ensure a more level playing field for regulated businesses.

To achieve Cal/EPA's strategic goals of an efficient and effective Cal/EPA in pursuit of its mission and its management priority of establishing cross-media strategies and coordination, we must provide proper training on cross-media enforcement issues and conduct and coordinate effective cross-media investigations and enforcement actions.

## **Accomplishments**

1. **Case Referrals:** Two significant actions were taken pursuant to Cal/EPA's authority to refer cases involving environmental violations for prosecution.
  - Cal/EPA, the SWRCB, and the Attorney General's office successfully negotiated a precedent-setting settlement in an underground storage tank case. Cal/EPA, SWRCB, and the ARB investigated and referred a case to the Attorney General's office involving the failure of the Atlantic Richfield Company (ARCO) to comply with laws requiring upgrades for

underground storage tanks by 1998 at multiple retail service stations. The terms of the settlement required ARCO to pay \$25 million in fines and costs and to perform \$20.8 million in improvements at its stations. This was the largest penalty in the nation ever imposed in an underground storage tank enforcement case.

- Cal/EPA jointly referred a case to the Attorney General's office regarding air violations alleged to have occurred in Ventura County. The company, Pacific Custom Materials, also known as TXI, Inc., is involved in the manufacture of lightweight aggregate materials used in construction. The company operates a clay mine on the property, along with large kilns and various other kinds of equipment requiring air district permits and pollution control and monitoring equipment. The company has been charged with the negligent and/or intentional illegal discharge of air contaminants such as particulate matter, nitrogen dioxide, and sulfur dioxide. The complaint alleges that these activities are in violation of the company's permit and air district rules and that they are causing a public nuisance. The referral was made in conjunction with the Air Resources Board (ARB) and the local air pollution control district. The case was filed as a civil action and is pending as of December 31.

2. **Training:** Cal/EPA offered three specialized training seminars in the second half of 2002.

- Cal/EPA offered a seminar on underground storage tank (UST) regulation for prosecutors and regulators, which was offered in both northern and in southern California locations. The purpose of the seminar was to bring together those who inspect and investigate violations with those who ultimately bring civil and criminal cases so that both can understand their roles and needs.
- Cal/EPA co-sponsored an air violations seminar along with the California District Attorney's Association and the Los Angeles County District Attorney's office. This two-day seminar was presented in southern California and focused on issues related to the investigation and prosecution of air violations.
- Cal/EPA offered a course on environmental crime scene investigation techniques in conjunction with the California Hazardous Materials Investigators Association and UC Riverside Cooperative Extension. This course provided investigators with exposure to traditional forensic crime scene investigative techniques as applied in the environmental context.
- Cal/EPA offered a roundtable for environmental prosecutors on issues concerning the proper treatment and disposal of sewage waste. The meeting, held in Sacramento, featured presentations by regulators and enforcement personnel and a tour of a local sewage treatment facility.

3. **Investigations:** Several pending enforcement cases have been identified and investigations are underway. The investigations use cross-media enforcement tools and methods that encourage

Cal/EPA's boards, departments, and offices to perform investigations that encompass more than one media or program. These may cover toxics, underground storage tanks, and water or air quality violations. The investigations include cases that involve inedible food grease waste haulers, landfills, and jewelry manufacturing operations.

4. **Enforcement Data Project:** In 2002, Cal/EPA received a U.S. EPA network readiness grant. Through the Integrated Data Environmental Assessment (IDEA) project, this grant will provide a mechanism to integrate enforcement data among the Cal/EPA boards and departments. Cal/EPA has chaired several meetings to gather ideas about how to collect data on environmental enforcement at the local and State levels and collate this data into a form useable by stakeholders. Sacramento County is being used as a pilot for developing data tools to meet the enforcement needs of federal, State, and local entities. Cal/EPA has also participated in the steering committee to coordinate this effort among its boards, departments, and offices.
5. **Special Enforcement Projects:** Cal/EPA hosted quarterly environmental enforcement roundtables in both southern and northern California. These roundtables are attended by prosecutors seeking a forum to discuss prosecution-related issues and cases that present special challenges for environmental prosecutors.
6. **Border:** Cal/EPA continued to work with governmental and non-governmental agencies from both sides of the international border to air and resolve important environmental issues that affect the area. In particular, Cal/EPA has made outreach efforts toward tribal communities a priority and has committed to continue efforts to bring tribal communities into the environmental enforcement dialogue on issues affecting the border area.

## Priorities

1. **Training:** In light of the current State budget crises, Cal/EPA is reviewing training planned for 2003 and making cancellations and modifications. Cal/EPA is pursuing alternate sources of funding to minimize fiscal impacts. Training sessions are being reduced, relocated, and modified to meet critical needs while minimizing costs where possible. In the first half of 2003, Cal/EPA will continue to offer training opportunities for California's environmental enforcement community through the Cal/EPA Basic Inspector Academy and other courses, as appropriate and within budgetary constraints. Cal/EPA also plans to update the clearinghouse of environmental enforcement training opportunities and expects to offer its environmental crime scene investigations course in Sacramento in April 2003. In addition, Cal/EPA is assisting the CIWMB in developing training for local enforcement agency personnel and tribal community solid waste inspectors to assist in the enforcement of illegal disposal of solid waste cases.
2. **Enforcement Referrals:** In the first half of 2003, Cal/EPA expects to continue its cross-media investigations and to continue to refer cases to the Attorney General's office or other prosecutors as appropriate.

3. **Data Project:** Cal/EPA expects to continue coordination of the data integration project in cooperation with its boards, departments, and offices and the local environmental enforcement community. Effective enforcement requires good data management and an ability to quickly obtain compliance histories of facilities being investigated. Cal/EPA recognizes that as the number of regulated facilities grows, the need for effective information management will also rise. The U.S. EPA Network Readiness Grant, provided through the IDEA project, will enable Cal/EPA to make significant progress in this important area.
4. **Grant Regulations:** In 2003, Cal/EPA will be proposing regulations designed to implement the provisions of the Environmental Enforcement and Training Act of 2002 (AB 2486, Keeley, Chapter 1000, Statutes of 2002). The grant program established by the new law will provide needed supplemental funding for environmental enforcement and training activities through the California District Attorney's Association, the Peace Officer Standards and Training Commission, Cal/EPA, and other State and local agencies.

## ***Unified Program***

The Unified Hazardous Waste and Hazardous Materials Management Regulatory Program (Unified Program) combines the implementation and administration of six previously distinct hazardous materials and hazardous waste regulatory programs into a single program. Established in 1994, the Unified Program is under the direction of the Secretary for Environmental Protection in consultation with the Office of Emergency Services, Office of the State Fire Marshal, DTSC, and SWRCB. These six programs are consolidated by local government into a single local governmental entity certified by the Secretary and called a Certified Unified Program Agency (CUPA). Currently 82 CUPAs are implementing the program within the State.

The intent of the program is to improve public health and environmental protection by improving coordination and consistency in the implementation of the six program elements through consolidation. The following six program elements are included in the Unified Program:

- The underground storage tank program.
- The spill prevention control and countermeasures plan of the above-ground tank program.
- The hazardous waste generator and tiered permitting programs.
- The hazardous materials release response plan (business plan) program.
- The California accidental release prevention program.
- The hazardous materials management plans and hazardous material inventory statement elements of the Fire Code.

Collectively the Unified Program regulates approximately 120,000 businesses within California. Cal/EPA's Unified Program section in part helps fulfill Cal/EPA's Strategic Vision goal of ensuring that communities are free from unacceptable human health and ecological risks due to exposure from hazardous substances and other potentially harmful agents. The section also contributes to ensuring an effective and efficient Cal/EPA in pursuit of its mission. These goals also seek to reduce or eliminate the disproportionate impacts of pollution on low-income and minority populations.

Cal/EPA's Unified Program section, State agencies with Unified Program responsibilities, local Unified Program agencies, and the U.S. EPA have formed the Unified Program administrative and advisory group (UPAAG). This group works toward better understanding of each others' needs, development of solutions through specific work groups such as the UPAAG enforcement committee, and the statewide training committee. An annual two-day strategic planning meeting promotes a planned approach to each agency's annual work plan and ensures continual program improvement. This committee further strengthens the partnership formed in 1994 with the advent of the Unified Program, thereby improving consistency and coordination of the program statewide.

## Accomplishments

1. **Training Recently Certified Jurisdictions:** In October and November, the Unified Program section and State implementing agencies developed and delivered training to staff from the 10 recently certified counties: Calaveras, Colusa, Glenn, Inyo, Lassen, Mariposa, Modoc, Plumas, Sierra, and Tehama. The training covered Title 27 Unified Program administrative requirements.
2. **Certification of Jurisdictions without CUPAs:** Currently four remaining jurisdictions have not been certified to implement the Unified Program. Of those, Butte is still in the certification process and has been waiting until a new director was appointed before continuing. Now that a director has been hired, it is expected that Butte will proceed to become certified this fiscal year. Cal/EPA is continuing discussions with the remaining three counties—Sutter, Trinity and Imperial—and is preparing an issue paper to identify viable alternatives for program implementation if these jurisdictions choose not to implement the program.
3. **Unified Program Information Management:** With the downturn in the State budget, the planned statewide Internet based GIS system for business-to-CUPA, CUPA-to-State, and State-to-federal reporting has been placed on hold. However, the Unified Program Section, other State agencies, and local Unified Program agencies are continuing efforts to standardize information collection within the Unified Program through improvement of the Cal/EPA data dictionary in the California Code of Regulations (CCR) Title 27. A committee composed of representatives of these agencies is developing proposed improvements that will be codified through the rulemaking process (see priorities below). Additionally, this committee is developing changes to forms that are used by local United Program agencies to collect business information and to report inspection and enforcement activities.



4. **Enforcement Consistency:** In October the UPAAG Enforcement Committee met to begin development of the guidance, forms, and training necessary to implement the new Unified Program Administrative Enforcement Order (AEO) authority that will become effective in January 2003 due to the passage of AB 2481 (Frommer, Chapter 999, Statutes of 2002). The committee agreed that existing Unified Program Hazardous Waste AEO guidance, forms, and training be used as a foundation for the programwide AEO guidance. This legislation creates a single, consistent Unified Program administrative enforcement authority for five of the six Unified Program elements, providing a viable enforcement option for all key program elements. The authority will facilitate multimedia enforcement actions and help to maintain the lowest possible CUPA program implementation costs. CUPA enforcement of the 6th element, Article 80 of the Uniform Fire Code, can be conducted under the business plan program in chapter 6.95 HSC or under fire code authorities. The implementation of this new authority is expected to act as a deterrent to those that would otherwise commit environmental crimes.
5. **CUPA Evaluations:** Cal/EPA was required to halt CUPA program evaluations from July through November due to travel restrictions imposed during the absence of a State budget. However, the time was used to develop specific proposed improvements to the evaluation process, including reporting, tracking, follow-up, and development of evaluation guidance materials. Our newest staff members are now fully trained and representing Cal/EPA as evaluation team leaders. From a backlog of 66 evaluation reports in 2001, Cal/EPA has issued 64 final evaluation reports during the last year.
6. **Outreach:** Senior staff represented the Cal/EPA Unified Program section at all regional meetings of the Northern, Central, and Southern California CUPA Forum. At each of these meetings staff discussed the latest legislative and regulatory activities, policy decisions, program accomplishments, and project status. Staff obtained feedback from local agencies related to pending projects or areas of concern related to the implementation and enforcement of the Unified Program.

Additionally, the new rural counties continue to meet every other month to obtain program updates and answers to their individual questions. The Unified Program section attended these meetings as well to assure continuity and consistency.

7. **Communication:** To improve communication with the public and CUPAs, Cal/EPA is continuing to update and modernize the information available on the Unified Program Web site and contained in the monthly newsletter. Work is underway to allow public users to identify a CUPA by name and phone number for contact purposes using a map and/or zip code. The redesigned Web site, [www.calepa.ca.gov/CUPA](http://www.calepa.ca.gov/CUPA), has received complements from local agencies. The Web site has doubled in hits in the last year and is endeavoring to increase usage through several different venues, including advertising to industry. This will make more information available and assure that current information is easily found.

The program also continues to improve the monthly newsletter, with an improved table of contents, links to other Web sites, and summaries of the information available at those links with an automated signup service.

8. **Rural CUPA Reimbursement Account:** During fiscal year 2001–02, the legislature established the Rural Reimbursement Account. The account will provide supplemental funding for small rural counties that had been unable to support a Certified Unified Public Agency based on fees imposed on the very limited numbers of regulated business in their jurisdictions. Last fiscal year the legislature funded this account with \$900,000, and \$619,720.96 was disbursed to qualified counties. The budget again sets aside \$900,000 for fiscal year 2002–03. Rural Certified Unified Program Agencies that continue to meet the legislative requirements will be able to receive up to \$60,000 each by applying for this grant. Currently, 11 counties meet the legislative criteria for application, including Calaveras, Colusa, Glenn, Inyo, Lassen, Mariposa, Modoc, Plumas, Sierra, Tehama, and Yuba. All 11 counties applied and qualified for funding, and a total of \$617,754.50 was disbursed for fiscal year 2002–03.
9. **Surcharge Analysis:** Two rounds of letters were mailed to CUPAs who were believed to be deficient in remitting surcharge revenue. The first round was sent to those CUPAs with the largest estimated amount still owed to the State. The second was sent to those with the largest percentage difference between submittals and the calculated surcharge owed. Cal/EPA received responses from several CUPAs providing reasons for the discrepancies. This project will continue as we receive and analyze responses from the other CUPAs who have received a letter.

## Priorities

1. **Enforcement Consistency:** The UPAAG Enforcement Committee is developing necessary guidance, forms, training, and support to enable all CUPAs to implement the new enforcement authority available to them on January 1, 2003.
2. **CUPA Evaluations:** Proposed changes to the evaluation process are under review by State agencies and the CUPA Forum Board. Proposed changes will streamline the process and expedite reporting of findings. These changes should reduce total time and cost of evaluations for both State agencies and CUPAs while concurrently providing a more comprehensive assessment of each CUPA program.
3. **Improving Competence:** Training is being developed for the evaluation process and the new administrative enforcement authority for presentation in February. In addition, the Title 27 training on CUPA implementation requirements that was developed and delivered to the new CUPAs last year will be offered to all CUPAs in three sessions planned for the spring and summer of 2003.
4. **Outreach:** The UPAAG has formed two new work groups consisting of interested industry and environmental representatives. The groups are expected to bring issues and ideas to quarterly

meetings to provide feedback on program implementation. The meetings will help Cal/EPA, other State agencies, and the CUPA Forum Board formulate priorities, solutions, and answers to industry and environmental needs and questions. This was a priority identified in the UPAAG Strategic Plan developed in March.

5. **Regulatory Review:** The Unified Program has begun review and revision of Title 27 Unified Program requirements. This work has been divided into two separate committees: one working on the forms, instructions, and data requirements for reporting by businesses and CUPAs; the second, working on all other Unified Program regulations in Title 27. These changes will remove outdated language, correct grammatical errors, restructure current requirements, and reorder some sections to improve and modify language and to improve clarity. Preliminary drafts of proposed changes are expected to be ready for review by late winter or early spring 2003. Additionally, the proposed changes to the Title 27 data dictionary are also expected to be ready for review in June or July 2003.
6. **Annual Report:** The Unified Program section is preparing an annual report on the Unified Program. This first annual report will explain the history, implementation, programs covered, agency involvement, strategic goals and objectives, evaluation of administration and enforcement at the local level, past and future challenges, and the successes of the last 10 years. It is expected to contain information that the public, State agencies, federal government, new local programs, and decision-makers can all use to evaluate how successful the Unified Program has been. The report will also outline the next steps necessary to reach even more successful outputs.
7. **State Surcharge:** The UPAAG forms committee continues to review/revise reporting forms used to track and transmit the surcharge. Cal/EPA is conducting a comprehensive review of the State surcharge. This includes a historical review of the State surcharge that has been billed, collected, and remitted, the expansion of the surcharge tracking system, and an update to forms and instructions used by CUPAs to report surcharge information. All information provided by CUPAs that has been contacted during the original analysis is being taken into consideration during continued review of the forms and instructions and corresponding regulations. Continuing analysis is necessary to ensure adequate funding for all State-related Unified Program activities.
8. **Communication:** The Unified Program section will continue to work with information management staff to develop a new directory of Unified Program stakeholders. Goals for the project include a comprehensive updated directory of contact information for Unified Program Agencies, a free subscription service for the monthly newsletter, e-mail groups for different committees and stakeholders, a search function by geographic region, and program elements of responsibility for all participating agencies.

## Quality Programs

Cal/EPA's Quality Improvement Partnership focuses on continuous organizational improvement and performance excellence. Cal/EPA's Assistant Secretary for Quality Programs—along with quality

consultants from its boards, departments, and offices—provides internal management consultation on organizational effectiveness. The areas covered include strategic planning, process improvement, performance interventions, meeting planning and facilitation, resource development, and improvement in service delivery.

**Cal/EPA Goal 8:** An efficient and effective Cal/EPA in pursuit of its mission.

The program also supports Cal/EPA's objectives to 1) lead by example, 2) expand and improve cross-media communications, collaboration, and training, and 3) conduct continuous evaluations of program effectiveness.

## Accomplishments

1. **Strategic Vision Implementation:** Progress was made to integrate the broad strategic vision goals/objectives with board, department, and office strategic plans, and with the Environmental Protection Indicators for California (EPIC). EPIC embodies a series of environmental indicators, and each strategic plan outlines goals and objectives for accomplishment. Through EPIC, the linkages of Cal/EPA's work to environmental outcomes, noted strengths, and areas for improvement were identified.
2. **Cal/EPA Headquarters Building:** On October 22, the second annual Disability Awareness Fair was held to increase understanding of disability-related issues. Exhibitors were present and training sessions were offered to Cal/EPA staff and supervisors/managers.
3. **Management Forums:** On August 19 and November 14, the Cal/EPA Secretary sponsored the second and last in a series of management forums for the Cal/EPA management team. The forums provide an opportunity for the entire Cal/EPA management team to meet as a group, listen to noted speakers, and ask questions on issues pertinent to the implementation of California's programs to protect the environment. On August 19, Legislative Analyst Elizabeth G. Hill, San Francisco Mayor Willie Brown, Jr., and John "Rusty" Areias addressed the group of managers. The November 14 forum featured Marty Morgenstern, Director of the Department of Personnel Administration, and Mark Baldassare of the Public Policy Institute.
4. **The Governor's Environmental and Economic Leadership Awards:** Cal/EPA, in collaboration with the Resources Agency, and on behalf of the Governor's Office, administered the 2002 Governor's Environmental and Economic Leadership Awards. Nominations were received by August 1 and evaluated by a large team of reviewers. Finalists were identified and winners were selected in November. Fourteen award winners were honored in a formal ceremony at the Cal/EPA Headquarters Building on December 4.
5. **Cross-Organizational Working Groups:** Teams comprised of Cal/EPA staff members and external representatives were active during the last half of 2002. The disability advisory council, the environmental management system steering committee, and integrated data for environmental

assessment (IDEA) teams met regularly on issues related to disability, sustainability, and information management, respectively.

## Priorities

1. **Strategic Vision Implementation:** Work will continue to strengthen the integration of the EPIC with the measures outlined in each board, department, and office strategic plan and with Strategic Vision goals/objectives.
2. **Communication/Collaboration:** The Secretary's management forums are scheduled for 2003 in April, August, and November. Venues will be selected for each of these three forums and publicized to ensure maximum participation by Cal/EPA's management team. The annual "Take Our Children To Work Day" and Earth Day celebrations will occur on April 22, 2003, and planning will be actively underway during the months preceding the event. Open staff forums will be held in several locations throughout the state in the fall of 2003.
3. **The Governor's Environmental and Economic Leadership Awards:** The 2003 award program will be planned and initiated. During the preliminary months of 2003, sponsorship solicitation, promotional materials, and determination of award categories and criteria will be addressed.

## Business Assistance and Development

### Accomplishments

1. **MOU between Cal/EPA and U.S. EPA Region 9:** Cal/EPA has signed a Memorandum of Understanding (MOU) with Region 9 of the U.S. EPA. The purpose of the memorandum is to affirm the commitment of both agencies to work as partners on State and federal environmental priorities within California. Toward this goal both agencies will develop specific partnership agreements directed at these priority areas.
2. **Integrated Data for Environmental Assessment (IDEA) Project:** Cal/EPA received from U.S. EPA a \$339,000 grant to begin developing an electronic system for exchanging environmental data. These monies will fund a pilot project with Sacramento County, with specific emphasis on sharing enforcement-related data.
3. **Sustainability:** Cal/EPA received a final consultant report, *California Innovations for Environmental Excellence*, which identified and reviewed environmental regulatory enhancements being used by other states. These enhancements include programs that are complimentary to the traditional "command and control" approach. When properly implemented, they can be effective at reducing nonpoint source pollution. Regulatory enhancements are also important because diminishing resources for managing environmental programs must be increasingly spread over a larger and wider environmental regulatory venue.

## Priorities

1. **Memorandum of Understanding (MOU) between Cal/EPA and U.S. EPA Region 9:** In accordance with the MOU, Cal/EPA intends to develop many of the specific partnership agreements envisioned by the MOU. These partnership agreements will initially focus on the following priority areas: United States/Mexico border, agriculture, data exchange, environmental indicators, enforcement coordination, water program coordination, and air program coordination.
2. **CalGOLD:** In response to proposed reductions in resources to assist small businesses with the environmental permitting process, Cal/EPA will enhance its online permit assistance tool CalGOLD. In addition to making the site easier to negotiate for specific industry types, the upgrade will include new links to pollution prevention techniques. This information will allow new businesses to better understand the environmentally friendly technical and operational choices available during design and start-up.
3. **Integrated Data for Environmental Assessment (IDEA) Project:** Cal/EPA will receive a final consultant report that will list organizational and technological options to facilitate an environmental data-sharing system. During this same period, Cal/EPA will submit grant proposals for up to \$3 million in U.S. EPA funding to expand the IDEA pilot project. The proposed expanded areas include real-time air monitoring, water monitoring data, and locations of toxic materials. U.S. EPA is expected to announce awards by June 2003.
4. **Sustainability:** For the purpose of validating the importance of a “sustainable” approach to future environmental regulatory programs, Cal/EPA has initiated three “Performance for Sustainability” projects. These projects are designed to allow regulators and regulated industries to jointly explore the potential for cross-media sustainability strategies. These strategies will further reduce the environmental impacts of business operations. The three project areas include animal feeding operations, wineries, and universal waste management.

# **DEPARTMENT OF PESTICIDE REGULATION**

ACCOMPLISHMENTS & PRIORITIES: July–December 2002

# Department of Pesticide Regulation

The mission of the Department of Pesticide Regulation (DPR) is to protect human health and the environment by regulating pesticide sales and use, and by fostering reduced-risk pest management.

## ***Protecting California's Water, Air, Food, and Land***

### **Cal/EPA Goals 1, 2, and 3DPR Strategic Plan Goal 1,**

Pesticides may adversely impact our environment. Protecting our environment from the use of pesticides is an expected outcome of the pesticide regulatory program. This outcome is driven by sound science and adequate data as part of a process for thorough, timely, and ongoing evaluations.

### **Accomplishments**

1. **Chemigation Initiative:** DPR conducted 10 training sessions on September 10 and 18; October 21 and 24; November 7, 12, and 13; and December 5 and 11, to educate State and county enforcement staff and pesticide users about label requirements to protect the environment when adding pesticides to irrigation water (chemigation).
2. **Surface Water Protection:** DPR finalized the surface water policy between DPR and the State Water Resources Control Board, completed the protocol and draft report on surface water modeling on correlation of detections with pesticide use and rainfall, and began to redesign the approach taken to protect surface water with the severe reduction of monitoring resources.
3. **Clopyralid and Compost:** DPR and the California Integrated Waste Management Board (CIWMB) held four stakeholder meetings to solicit information on the scope of the problem and possible solutions. DPR and CIWMB contacted the U.S. Environmental Protection Agency (U.S. EPA) regarding California's interest in developing tests to assess the fate of herbicides in the composting environment.
4. **Propanil Regulations:** Propanil is an herbicide used to control weeds (watergrass) in rice fields. For more than 30 years, the rice counties in the northern Sacramento Valley have had limited or no use of this material due to its potential to adversely affect nontarget crops, primarily prunes. DPR began an evaluation on the limited use of this material in 1998 to ensure it could be used without significant damage to nontarget crops. By the end of 2002, DPR completed draft regulations and sent them to the California Department of Food and Agriculture for the required 30-day comment period.

### **Priorities**

1. **Surface Water Protection:** DPR will present a series of regulatory options to limit surface water pesticide residues from dormant sprays. In 1996, DPR agreed to promote voluntary efforts by the agricultural industry to reduce water quality impacts from dormant sprays. The monitoring data and staff analysis showed that no improvement occurred during the five-year plan.



2. **Clopyralid and Compost:** By April 2003, DPR will decide whether additional uses of clopyralid must be cancelled or regulated pursuant to AB 2356 (Keeley, Chapter 591, Statutes of 2002). DPR notified pesticide dealers and pest managers about the sales and use restrictions on clopyralid that began January 1, 2003. DPR and IWMB continue to meet with stakeholders to gather information on the impact of clopyralid on compost.
3. **Propanil Use Restrictions Implemented:** Propanil is an herbicide used on rice that has been found to damage adjacent crops. DPR will propose regulations to protect nontarget crops from this damage. Restrictions on the use of propanil will be implemented through the amended regulations for the 2003 season. If the regulations are not finalized in time, the restrictions will be imposed through county permit conditions.
4. **Rice Program:** DPR will work with the Central Valley Regional Water Quality Control Board and the rice industry to determine the monitoring that the rice industry will conduct in 2003.
5. **Groundwater Protection:** DPR will adopt regulations that will, for the first time, prevent groundwater contamination from pesticides throughout the state. A fact sheet summarizing the new rules is available at [www.cdpr.ca.gov/docs/empm/gwp\\_prog/factsheet.pdf](http://www.cdpr.ca.gov/docs/empm/gwp_prog/factsheet.pdf).
6. **Pesticides and the Clean Air Plan:** DPR will work with the Air Resources Board (ARB) on strategies to effectively reduce volatile organic compound emissions from agricultural and commercial structural pesticides.

## ***Protecting Human Health***

### **Cal/EPA Goal 4; DPR Strategic Plan Goal 2**

The use of pesticides may adversely impact human health. Workers and sensitive populations such as children are at a greater risk. Protecting people from unacceptable pesticide risks is an expected outcome of the pesticide regulatory program. This outcome is driven by sound science and adequate data as part of a process for thorough, timely, and ongoing evaluations.

### **Accomplishments**

1. **School Integrated Pest Management (IPM) Program:** DPR staff revised the school IPM training program based on results from the pilot program, and has planned four regional training sessions for spring of 2003. DPR added the Health and Environmental Look-uP Resource (HELPR) pages, a frequently asked questions document, and an electronic notification list to the Web site. A report on the 2002 survey of school pest management practices is under review. DPR staff has published an outreach article in a prominent school journal; three additional articles are in review. Staff members gave 10 presentations to school groups, risk managers, and other stakeholders. DPR staff responds to about 10 inquiries per week about various aspects of the Healthy Schools Act of 2000.

2. **Risk Assessments:** DPR completed risk assessments on metam-sodium, methyl isothiocyanate, azinphos-methyl, and methyl bromide (cumulative exposure assessment under SB 950 [Chapter 669, Statutes of 1984, Birth Defect Prevention Act] requirements). DPR sent several assessments to U.S. EPA and the Office of Environmental Health Hazard Assessment (OEHHA) for peer review: endosulfan, methyl parathion, hydramethylon, and orthophenylphenol.
3. **Licensing:** To improve processing and response for the annual renewal period, DPR initiated the license renewal process one month earlier than in the past and included a checklist to ensure submittal of proper documentation. The department also published timelines to reflect DPR commitments to process applications based on date of application receipt, established a “troubleshooter” to review and handle application problems in a timely manner, and actively worked with industry to broadly disseminate this information. As a result, DPR’s licensing and certification program processed 8,535 pest control business and individual renewal applications (effective January 1, 2003) during the fourth quarter of 2002. DPR implemented new technology that enables the program to batch individual licenses and certificates directly from the database to the embosser. This results in fewer errors and quicker embossing of the plastic license and certificate cards.
4. **Pesticide Episode Response Plan Revision:** The pesticide episode response plan was developed in 1998. The response plan establishes a system for exchanging data between DPR, the San Diego and Imperial county agricultural commissioners (CAC), and their counterpart Mexican agencies. The plan provides for coordinated response to pesticide incidents that occur in the border area. DPR received funds from U.S. EPA that will allow DPR to contract with the San Diego and Imperial CACs to update contact information and to perform mock episode exercises in San Diego and Imperial Counties in 2003.
5. **Food Safety:** DPR is mandated by statute to monitor pesticide residues on food. DPR set new goals for the marketplace surveillance program that reflect on new pesticides being used and new commodities being grown. The program focus is on pesticides with the greatest health concern and contribution to dietary risk and subpopulations that may be uniquely sensitive to pesticide residues.
6. **Day of Reentry Foliar Residue Study:** DPR conducts monitoring studies to estimate exposures to workers. From 1997 through 2002, DPR scientists collected foliage samples from various crops to determine the level of pesticide residues at the expiration of a restricted-entry interval. A restricted-entry interval is the time period when a worker is prohibited from entering a treated field to perform cultural activities. The information collected in this study is used to evaluate pesticides and prepare risk assessments. The study was completed in late December.
7. **Greenhouse Study:** DPR scientists finalized a report on the results of a greenhouse field worker exposure monitoring study. Worker exposure to malathion, diazinon, and myclobutanil while picking roses and carnations was monitored. The information collected in this study will be used

to evaluate pesticides and prepare risk assessments. The report can be found at [www.cdpr.ca.gov/docs/whs/pdf/hs1835.pdf](http://www.cdpr.ca.gov/docs/whs/pdf/hs1835.pdf).

## Priorities

1. **Methyl Bromide Regulations:** DPR will readopt field fumigation regulations for methyl bromide.
2. **Lompoc Project Completed:** In January 2003, DPR will release the final reports detailing the pesticide exposures in the community of Lompoc. DPR led an interagency effort to evaluate local concerns from pesticide exposures.
3. **Metam-Sodium Permit Guidance:** DPR plans to complete a metam-sodium risk management directive by January 2003. DPR will allow a 30-day comment period, which includes consultation with OEHHA, ARB, and CACs. In spring 2003, DPR will recommend mitigations that may be implemented as regulations, label amendments, or permit conditions. Strategies to reduce metam-sodium exposure may be similar to those used for methyl bromide. Strategies include buffer zones, application methods, tarps, acreage limits, and incremental irrigation practices, all of which incorporate a balance of enforceability and feasibility. DPR will continue to meet with interested stakeholders.
4. **School Integrated Pest Management Program:** The School IPM Guidebook is being revised based on comments from the advisory group and will include training course curricula and new pest fact sheets. Four regional train-the-trainer sessions for school district staff are planned for spring 2003. DPR plans to continue development of, and resources contained in, the school IPM Web site. Additional publications on IPM in schools are planned to promote reduced-risk pest management throughout California schools.
5. **Risk Assessments:** DPR expects to complete four risk assessments under SB 950 (Birth Defect Prevention Act)-hydramethylnon, endosulfan, methyl parathion, and carbofuran. Under AB 2161 (Chapter 1200, Statutes of 1989, dietary risk assessments), DPR expects to complete two risk assessments-orthophenylphenol and propizamide.
6. **Licensing:** DPR has received U.S. EPA discretionary funds to develop laws and regulations examination questions, landscape maintenance pest control examination questions, and a landscape maintenance pest control category study guide. DPR will contract with the University of California to complete this project by May 2004.
7. **Preventing Pesticide Illness:** DPR maintains a compilation of data on pesticide-related illnesses recorded in California. Data are summarized into tables, and the findings are released to the public. By March 2003, DPR will release the 2001 annual pesticide-related illness and injury report. DPR is also reviewing and improving the pesticide illness surveillance program data validation process, thereby ensuring accurate reporting of illness data. DPR is also preparing the

database for availability to DPR stakeholders on the Internet. DPR plans to complete the validation project in May 2003.

## ***Advancing Pest Management Systems***

### **Cal/EPA Goals 7 and 8; DPR Strategic Plan Goal 3**

Promoting the adoption of reduced-risk pest management strategies is a key element of the department's mission and its pollution prevention efforts.

### **Accomplishments**

1. **Integrated Pest Management Innovators:** DPR's IPM innovator awards recognize California organizations that pioneer problem-solving approaches to pest control that use the least-toxic methods to increase the benefits and reduce the risks of pest management. DPR recognizes select groups for their inspiration and determination in pursuing new systems of pest control and applauds their efforts to share their experiences with others. Four awards were presented this year: Self-Insured Schools of California, Kern High School District, Clos du Bois Winery, and the City of Santa Cruz.
2. **Pesticide Use Trends:** In October, DPR released the "2001 Summary of Pesticide Use Reports by Chemical and Commodity." The summary is available on DPR's Web site at [www.cdpr.ca.gov/docs/pur/pur00rep/00\\_pur.htm](http://www.cdpr.ca.gov/docs/pur/pur00rep/00_pur.htm). As part of the report's executive summary, DPR included an analysis of pesticide use trends.

DPR also has completed a draft report on the trend in organophosphate use on almonds over the last nine years. The report also examines alternate methods of pest control for overwintering pests. The report indicates that pesticide use on almonds has declined significantly during the five years the industry has participated in a DPR alliance, going from 16 million pounds in 1998 to 10 million pounds in 2001. Particularly encouraging has been the steady decline in acres treated with dormant-season organophosphate (OP) insecticides. Applied during the winter to many orchard crops, residues of these insecticides have caused problems when rainfall washed them into rivers and streams. Although some of this decrease in OP use might be explained by weather and pest pressures, most has occurred because growers decided to use other, mostly reduced-risk, practices.

### **Priorities**

1. **Reduced-Risk Pest Management Grants:** DPR will complete 11 pest management grants and 8 pest management alliance grants. Due to the budget shortfall, DPR will not be able to issue grants for additional projects.

## ***Ensuring Environmental Justice***

### **Cal/EPA Goal 5; DPR Strategic Plan Goals 5 and 6**

A strong enforcement program is the cornerstone of improving the pesticide regulatory program and ensuring equal treatment under the law. All of DPR's activities must enhance opportunities for people to have access to, and participate in, its processes.

### **Accomplishments**

1. **Evaluation of Farmworker Protection:** DPR released a report evaluating the notification and hazard communication requirements in Title 3, California Code of Regulations. Growers and farm labor contractors are required to inform their employees of pesticide applications that will occur on or near the work site. Growers and farm labor contractors must also make pesticide exposure information available to their employees. The report made a series of recommendations that will be considered for implementation in 2003. The report can be found at [www.cdpr.ca.gov/docs/whs/pdf/hs1835.pdf](http://www.cdpr.ca.gov/docs/whs/pdf/hs1835.pdf).
2. **County Permit and Use Reporting:** DPR continued its support of geographic information systems (GIS) development at the county level. Deployment of the Kern County GIS program as a pilot basis in counties just beginning to develop their GIS capabilities and field border databases is ongoing. DPR has modified the preliminary copy of Kern County's application to allow users to process notices of intent online in the county office. This tool evaluates the proposed restricted material application with the specific field site and commodity listed on the permit, analyzes surrounding sensitive sites, and draws appropriate buffer zones. This allows the county biologist to make better-informed decisions regarding applications of restricted-use pesticides. Deployment to two pilot counties has taken place.
3. **San Luis Obispo Farmworker Safety Initiative:** Following three years of collaboration, the final report for the San Luis Obispo farmworker safety initiative was released. The initiative provided for a contract survey that evaluated the attitudes, knowledge, and perceptions of farmworkers living and working in San Luis Obispo County. The collaboration included county agriculture and health agencies, local worker advocates and growers, staff from DPR's worker health and safety and enforcement branches, and U.S. EPA representatives. The study report can be found at [www.dhs.ca.gov/ohb/aginjury/slosurvey.pdf](http://www.dhs.ca.gov/ohb/aginjury/slosurvey.pdf).
4. **Permit Pilot Project with Counties:** A consultant was hired to review the current restricted materials permit program used at CAC offices for a possible replacement program called the State permit and use report system. The consultant completed the draft prefeasibility study report and presented it to management. The report addressed a comprehensive upgrade and programmatic enhancement to the DOS-based restricted material permit and use report system. The study report documents the business processes, summarizes the business needs and functional requirements, presents a Web-based conceptual design, and includes preliminary project management and risk

management plans. The study also covers preliminary cost estimates, including DPR staff and resources, software customization, data conversion, and implementation.

5. **Local Enforcement Effectiveness Procedures:** In November, DPR implemented changes to the procedures used to evaluate the effectiveness of CACs in regulating pesticides. The new criteria will improve the transparency of the procedures and ensure enforcement resources are devoted to the most critical need.

## Priorities

1. **Compliance Improvement:** DPR's compliance work group has developed a program to reevaluate industry compliance levels in selected counties previously assessed. The program uses the existing overview inspection framework to determine how the implemented improvements are working and the effect the program changes had on industry compliance levels. The data from this compliance assessment oversight inspection program will be analyzed and compared to the results of the original compliance assessments for each county reevaluated. Data from the inspection forms will be entered into the county pesticide compliance and assessment database. This database can be used to set baseline compliance levels for continuous program evaluations by DPR, as well as to assist CACs in developing negotiated work plans and setting local program priorities. A status report to the Legislature will be prepared in spring 2003.
2. **Environmental Justice Policy:** DPR and the CACs have adopted mission statements and goals that reflect their commitment to ensuring environmental justice. In early 2003, DPR will develop, solicit comments on, and adopt a formal statement of its environmental justice policy.
3. **County Permit and Use Reporting:** With the introduction of ArcGIS as the standard upgrade to ArcView, a growing number of counties are now using ArcGIS. This has limited interest in the Kern ArcView applications. DPR will concentrate its priorities and activities on more active developments in the ArcGIS environment, which will help integrate a future State permit and use report system. Specifically, DPR will convert the ArcView notice of intent tool to ArcGIS. This will promote wider use of this valuable restricted material pre-application evaluation tool in other counties.
4. **Permit Pilot Project with Counties:** During the first half of 2003, DPR will address its resource constraints (hiring freeze and abolishment of vacant positions) and the State's current fiscal crisis. DPR will initiate a timeline for a formal feasibility study report and budget change proposal.

## *Continuously Improving Performance*

### **Cal/EPA Goals 7 and 8; DPR Strategic Plan Goals 5 and 6**

The strength of DPR's program comes from its staff. Long-term, stable funding will be imperative to fulfilling DPR mandates. The proliferation of data and the maturing electronic information age have

dramatically increased the opportunities to improve the department's processes and provide greater access to data.

## Accomplishments

1. **Government-to-Business Web Site:** Working directly with the e-business office of the Department of General Services (DGS) and Natoma Technologies, DPR expanded its online county registration licensing pilot project to include San Joaquin, Merced, Madera, Fresno, Kings, Tulare, and Kern counties in the original pilot, for a total of 13 counties. This expansion resulted in continuous coverage from Contra Costa to Los Angeles County. This coverage also enables pest control businesses, advisers, and pilots to review their license and compliance information maintained by DPR, obtain statewide county registration information, and submit registration information to participating counties.
2. **Risk Assessment and Peer Review Process:** As a result of the reductions to the risk assessment programs, DPR evaluated how to improve the prioritization and completion of risk assessments. A new process was detailed in the fall of 2002 that will ensure that the risk assessments will address all routes of exposure and take particular emphasis on high-risk populations such as children.
3. **Compliance Assessment and Improvement:** DPR began the implementation of a compliance assessment oversight inspections program to re-measure industry compliance levels in four counties that had been previously identified with low levels of compliance for worker protection requirements.
4. **U.S EPA Work Share Project:** Residue reviews for the active ingredient imidacloprid on beans, peas, strawberries, and stone fruit were sent to U.S. EPA for completion. Also, tolerances were completed in August for the active ingredient fludioxonil on berries, stone fruit, and pistachios. Fludioxonil was the first active ingredient that DPR did both a residue review and the dietary assessment, bringing together intradepartmental activities of the pesticide registration and medical toxicology branches. DPR's fludioxonil work-share activity accounts for the elimination of one California section 18 (post-harvest treatment on stone fruit) and five section 18s in other states for the same use.

## Priorities

1. **Increased Enforcement Around Schools:** With the enactment of AB 947 (Jackson, Chapter 457, Statutes of 2002), DPR will be proposing regulation changes that increase penalties for pesticide violations around schools and provide policy guidance to CACs for establishing specific requirements governing pesticide use in the vicinity of schools.
2. **Compliance Assessment and Improvement:** DPR will continue to collect and analyze information from the compliance assessment oversight inspection program and establish program goals and objectives for 2003–04. Also, DPR and the CACs will be testing revised inspection

forms and procedures intended to improve compliance. Data will be collected from all CAC inspection forms and analyzed for setting future performance goals and resource allocation.

3. **U.S. EPA Work Share Project:** DPR continued to partner with U.S. EPA in sharing data reviews on pesticide registration activities. DPR is working with U.S. EPA to finalize the fiscal year 2003 work plan by the start of the federal fiscal year beginning October 1, 2003. The potential chemicals are azoxystrobin, bifentazate, fenhexamid, thifenthiuron, and dimethomorph. DPR will do the residue reviews on all chemicals and dietary assessments on all products except bifentazate.
4. **Online County Registration for Pest Control Licensees:** With California's continuing budget crisis and the elimination of additional government positions, DPR's efforts in this area will likely be scaled back. However, feedback from the business community relative to online business transactions with the State has been very favorable. DPR should logically continue to take advantage of improvement opportunities through leveraging current knowledge, despite severe resource constraints. As such, DPR staff will continue to train and support the participating pilot CACs and look for economical opportunities to expand the very successful industry outreach program.
5. **iLicense (Online Licensing):** This project included an assessment of DPR's ability to develop linkages between the front-end licensing transaction forms and the back-office database. As a result of this evaluation, DPR will need to modify its existing database to work effectively with the front-end licensing application. With the DGS application nearing completion, DPR will concentrate its efforts in 2003 on refining business processes, remodeling the database, and upgrading existing technology in order to fully utilize the DGS online program.
6. **California Pesticide Information Portal:** In January 2003, the California Pesticide Information Portal will go online, giving visitors to DPR's Web site the ability to conduct customized searches of the world's best and most extensive database of pesticide use information.



# **DEPARTMENT OF TOXIC SUBSTANCES CONTROL**

ACCOMPLISHMENTS & PRIORITIES: July–December 2002

# Department of Toxic Substances Control

The mission of the Department of Toxic Substances Control (DTSC) is to restore, protect, and enhance the environment to ensure public health and environmental quality and economic vitality by regulating hazardous waste, conducting and overseeing cleanups, and developing and promoting pollution prevention.

## Overview

DTSC implements its strategic plan through its three operational programs: site mitigation and brownfields reuse; hazardous waste management; and science, pollution prevention and technology. Other divisions—legal counsel office, legislation, external affairs, and administrative services—support the core program elements of DTSC. The DTSC strategic plan has six strategic goals and 26 strategic objectives that guide the program areas in the assignment and completion of work. The department's accomplishments and priorities also reflect progress toward meeting Cal/EPA's strategic goals, as indicated at the beginning of each topical section.

A note about the organization of this report: DTSC has many accomplishments and priorities to report on its core work, reflected in the sections related to the organizational program areas. This report begins with the accomplishments and priorities in six areas that the DTSC executive management team identifies as deserving of special attention and emphasis: schools, brownfields reuse, recycling military facilities, enforcement, pollution prevention, and public participation and environmental justice.

## DTSC Strategic Goals

1. Protect public health and the environment from adverse effects of contaminated sites.
2. Minimize and/or eliminate adverse environmental and public health effects resulting from the past, present, and future generation and management of hazardous waste.
3. Continuously improve DTSC's application of science and technology.
4. Fully encourage and involve the public, including communities and local agencies, in a participatory process that ensures DTSC's decisions consider the needs of all affected parties.
5. Provide DTSC employees with the resources they need to perform their jobs.
6. Support DTSC employees with clear leadership and direction in an atmosphere that values diversity and ongoing communication.

## AREAS OF EMPHASIS

The accomplishments and priorities in these areas of emphasis cross many DTSC program lines and contribute to attaining many Cal/EPA strategic goals and DTSC strategic objectives. In the interest of

brevity, this report outlines specific strategic goals and objectives met in the course of DTSC's environmental work in the organizational program accounts following these areas of emphasis.

## **Schools**

State law requires that school districts conduct rigorous environmental review and cleanup activities under DTSC oversight in order to receive State General Obligation Bond funds for property acquisition or construction. Since 2000, DTSC has evaluated more than 1,000 school sites associated with 333 school districts in 48 of California's 58 counties. DTSC works with the districts to ensure that new school properties and expansion projects are environmentally safe for California's children. In addition, because of the success of the mandated program, increasing numbers of school districts approach DTSC to enter into voluntary agreements for site assessment and cleanup. California's program of strenuous environmental reviews of school sites is unique in the nation. Organizationally, the schools division is part of the site mitigation and brownfields reuse program and is supported by various other programmatic elements.

## **Accomplishments**

1. **School Cleanups.** DTSC oversaw four school site cleanups, approved one remedial design, issued approvals for 10 removal action plans, and processed 13 California Environmental Quality Act (CEQA) plans, including three from the previous reporting period. In addition, DTSC provided determinations on 46 phase I (preliminary reports from the school districts); 36 preliminary endangerment assessments (representing DTSC's actual investigations into the sites), and entered into 50 environmental oversight agreements or voluntary cleanup agreements with school districts.

### **Cleanups Completed**

- Dayton Heights Elementary School Playground Expansion, Los Angeles Unified School District. DTSC oversaw the removal of 110 cubic yards of lead-contaminated soil from this 0.5-acre site.
- Fifteenth Street Elementary School Addition, Los Angeles Unified School District. DTSC oversaw removal of 280 cubic yards of lead and cadmium-contaminated soil from this 0.5-acre site.
- Jersey Elementary School Addition, Little Lake School District, Santa Fe Springs. DTSC completed the removal and off-site disposal of 9,000 cubic yards of contaminated soil from this site.
- Woodcrest Elementary and Junior High Schools, Chino Valley Unified School District. In December, the DTSC-approved plans to operate a mitigation system for methane in the soil became operational at this site.

**Remedial Designs Approved**

- Park Avenue Elementary School, Los Angeles Unified School District. DTSC approved a remedial design to excavate and dispose of approximately 39,000 cubic yards of soils contaminated with arsenic, lead, and petroleum hydrocarbons from this existing elementary school. The school site is a former landfill.

**Cleanup Plans Approved**

- Proposed Central Los Angeles New Learning Center #1 (former Ambassador Hotel Site), Los Angeles Unified School District. DTSC approved plans to remove 1,329 cubic yards of soils contaminated with polycyclic aromatic hydrocarbons, volatile organic compounds, and methane. The approved plan also addresses removing underground storage tanks from this 23-acre site.
- Banning New Elementary School #1, Los Angeles Unified School District. DTSC approved plans to eliminate the hazards posed by methane in soil gas, and address soil contaminated with petroleum hydrocarbons and polychlorinated biphenyls (PCB) from this 3.5-acre site.
- Commonwealth Elementary School Addition, Los Angeles Unified School District. DTSC approved plans to eliminate the hazards at the site with a methane control system.
- Hoover Elementary School Playground Expansion, Los Angeles Unified School District. DTSC approved plans to remove 68 cubic yards of lead-contaminated soils from this 0.66-acre site.
- State Street Elementary School Playground Expansion, Los Angeles Unified School District. DTSC approved plans to remove and dispose of 95 cubic yards of lead-contaminated soil from this nearly 0.5-acre site.
- Anaheim Mann Expansion Site, Anaheim City School District. DTSC approved plans to remove and dispose of 4,000 cubic yards of arsenic-contaminated soil from this 1.36-acre site.
- Lorin Grisette New Elementary School #4, Santa Ana Unified School District. DTSC approved plans to remove and dispose of 1,605 cubic yards of arsenic-contaminated soil from this 9.2-acre site.
- Otsuka Elementary School, Santa Ana Unified School District. DTSC approved plans to remove and dispose of 2,000 cubic yards of soils contaminated with petroleum hydrocarbons from this 6.5-acre site.

- Bessie Carmichael New Elementary School Site, San Francisco Unified School District. DTSC approved plans to remove and dispose of 4,500 cubic yards of soils contaminated with lead, petroleum hydrocarbons, and PCBs from this 1.4-acre site.
2. **Los Angeles Unified School District.** DTSC continues to maintain its successful partnership with the Los Angeles Unified School District to expedite the environmental review and cleanup process. To date, the Los Angeles Unified School District has submitted applications to DTSC for review of 189 projects on new or expanding school sites. DTSC completed evaluations on 104 of these projects, identified 56 projects as requiring cleanups, and approved 58 to apply for construction funding. DTSC managers participate in weekly meetings with school district managers and consultants to address issues related to all school properties that are under investigation. These meetings assist the district in its goal of evaluating, investigating, and if necessary, cleaning up school properties in order to receive funding and proceed with building 180 new or expanded schools. DTSC continues to work closely with the school district on its best known proposed school site, the 35-acre Belmont Learning Center in downtown Los Angeles.
  3. **Pilot Project to Assist Financially Disadvantaged School Districts.** Using funds available in the U.S. EPA preliminary assessment/site inspection grant, DTSC entered into contracts with two school districts to conduct preliminary endangerment assessments. The DTSC contractor will conduct investigations for the proposed Yorba Middle School site in the Chino Valley Unified School District and the proposed Lockeford Elementary School expansion site in the Lodi Unified School District.
  4. **Organo-Chlorine Pesticide Study.** Using federal grant funds from U.S. EPA, DTSC is evaluating five prospective school sites that were residential properties, which may have been contaminated with organo-chlorine pesticides. Findings for the first of those sites, the proposed Weemes Elementary School in Los Angeles Unified School District, indicated elevated levels of pesticides resulting in a human health risk, requiring further action and possible cleanup.
  5. **Proposed Emergency Regulations.** DTSC developed emergency regulations to Title 22, California Code of Regulations, to establish guidelines for a phase I environmental site assessment conducted at school sites, as required under the Education Code.
  6. **Environmental Guidance Documents.** DTSC developed additional advisories for school districts and their contractors to assist them in preparing environmental assessment and investigation reports. These documents include: “Remedies for Methane Gas Contamination at School Sites,” “Los Angeles Unified School District—Arsenic Study,” and “Soil Gas Investigation at School Sites.”
  7. **School-Based Risk Assessment Model:** Under an interagency agreement, DTSC and the Office of Environmental Health Hazard Assessment (OEHHA) are reviewing a risk assessment model developed for school sites.

## Priorities

1. **Continue Facilitating School Construction and Cleanup:** Californians passed bond measures that will give California 500 more schools by the year 2004, with more to follow. Since all proposed school sites receiving State funding for acquisition or construction are required to go through a rigorous environmental review and cleanup process under DTSC's oversight, DTSC is very much a part of realizing the State's goal of decreasing class size.

## Brownfields Reuse

DTSC has integrated existing programs and developed a number of new tools to facilitate reuse of brownfields properties in California. Brownfields are properties that are contaminated, or thought to be contaminated, and are underutilized due to perceived remediation costs and liability concerns. Redeveloping urban brownfields properties optimizes the use of existing infrastructure and protects our precious green space resources. Organizationally, brownfields reuse is part of the site mitigation and brownfields reuse program, supported by various other programmatic elements.

## Accomplishments

1. **CLEAN Program Sites:** To assist in redeveloping urban brownfield sites, Governor Gray Davis signed into law the Cleanup Loan and Environmental Assistance to Neighborhoods (CLEAN) program in 2000. The CLEAN program funds environmental investigation and cleanup activities at six brownfield redevelopment projects:
  - East Bay Habitat for Humanity (Oakland, Alameda County). East Bay Habitat for Humanity received a \$425,000 CLEAN loan to investigate and clean up a former nursery and truck dismantling facility so it can build 20 to 25 affordable homes on the site. The site is contaminated with lead, petroleum hydrocarbons, and PCBs. On October 22, 2002, Congresswoman Barbara Lee and Oakland City Council Member Larry Reid joined representatives from Habitat for Humanity in a ceremonial presentation of the check by DTSC Director Ed Lowry.
  - Crossroads Investors III (Murrieta, Riverside County). CLEAN loan funds financed the site investigation and removal of 6,000 tons of lead-contaminated soil from a site formerly used for battery recycling on which 55 single-family homes will be built. Contractors completed cleanup activities in October 2002.
  - Marina Bay Development (Richmond, Contra Costa County). On June 27, DTSC awarded the Richmond Redevelopment Agency a \$1.9 million CLEAN loan to conduct site cleanup activities. The property is contaminated with lead and petroleum from shipbuilding activities conducted at the site in the 1940s and 1950s. DTSC approved the revised site investigation reports.
  - Vacaville Redevelopment Agency (Solano County). DTSC funded a \$237,000 CLEAN loan on July 24, 2002, to allow the city of Vacaville to clean up a former industrial property,

allowing completion of the downtown revitalization project with the development of a mixed-use industrial and commercial property on the site. DTSC also approved the city's plans to begin the site characterization.

- Sun Chemical site (Los Angeles County). Using \$1 million in CLEAN loan funds, Butterfield Trails Inc. is cleaning up the former Sun Chemical Company facility in South Los Angeles for commercial and possibly residential housing in the form of lofts.
- Angeles Chemical site (Santa Fe Springs, Los Angeles County). Using \$950,000 in CLEAN loan funds, development entities are completing site characterization of the property to provide additional information that is necessary to complete the remedial investigation. The site is planned for commercial or light industrial use.

2. **Other Brownfield Sites.** DTSC has a broad range of programs and services to support brownfields redevelopment activities. Some of the major projects for which DTSC is providing oversight activities and direct site work are:

- Santana Row Development (San Jose, Santa Clara County). On November 7–10, opening celebrations occurred for the Santana Row development, which consists of townhouses, lofts, villas, retail shops, and restaurants. DTSC oversaw the cleanup activities at this former agricultural and commercial site that was contaminated with DDT, arsenic, and lead.
- Bay Street Project (Emeryville, Alameda County). Bay Street, a three-block shopping and entertainment center, opened on November 20. The site is the former location of a drum recycling facility, pigment manufacturer, pesticide repackaging, and trucking facility, and it was contaminated with pesticides, metals, and organics. DTSC provided technical oversight for the investigation and cleanup activities, and will remain involved with long-term operation and maintenance activities.
- Galilee Harbor site (Sausalito, Marin County). DTSC oversaw the excavation and consolidation of contaminated sediments and soils on this former shipbuilding and maintenance site. The final cleanup action also required revegetating the shoreline and constructing a concrete parking lot.
- Pacific Gas & Electric Decoto Road site (Union City, Alameda County). DTSC approved plans to excavate and dispose of soils contaminated with metals, PCBs, and petroleum hydrocarbons. The city of Union City is negotiating the purchase of the property for commercial development, a transit hub, and residential housing.
- Former Whittaker-Bermite facility (Santa Clarita, Los Angeles County). DTSC is working with the U.S. Army Corps of Engineers to detect unexploded ordnance and to determine the extent of perchlorate and volatile organic compound groundwater contamination near the former munitions and explosives manufacturing facility.

- Cudahy City Park site (Los Angeles County). Utilizing State funds, DTSC completed the soil and groundwater characterization and the risk assessment. This park is adjacent to the previously mentioned Park Avenue Elementary School.

3. **State Superfund Sites:** California's Superfund program works on contaminated sites not listed on the federal National Priorities List (federal Superfund sites) that still pose a significant threat to public health and the environment. Under this program, DTSC uses State bond funds to clean up sites where responsible parties do not exist or do not have sufficient funds to pay for cleanup activities.

- Roberts Tire site (Oakland, Alameda County). The city of Oakland required the owner of this former tire and auto facility to demolish the buildings on the site. However, the owners did not have funding to remove the lead contaminated soil, so DTSC used State funds to conduct the initial removal.
- San Leandro Boulevard site (San Leandro, Alameda County). A paint factory fire in the 1960s resulted in solvent-contaminated soils at the site that are believed to be contributing to a regional groundwater plume. DTSC's contractor excavated the contaminated soil from the street and an adjacent property.
- Chemical and Pigment Company site (Bay Point, Contra Costa County). A now-bankrupt company used this property to manufacture zinc chloride from waste galvanizing steel. The site has metal contamination, a 15,000-cubic-yard stockpile of soil, and abandoned process equipment and tanks. DTSC issued an order on this site.

#### **Former Rail Yard Sites**

- Cornfields site (Los Angeles County). DTSC approved the site characterization and work plan for the former 32-acre rail yard in downtown Los Angeles. Remediation activities just began on elevated levels of metals found in subsurface soil. The State Department of Parks and Recreation purchased the site with plans to create a major new park, open space, and recreation complex.
- Union Pacific Downtown Rail Yard (Sacramento County). Sacramento proposes to use this 240-acre site, which has operated since the 1800s as the western hub of the transcontinental railroad, as an inter-modal transportation center and for commercial facilities, multifamily residential units, and possibly an athletic arena. DTSC is overseeing the shipment by rail of stockpiles of soil containing asbestos material destined for disposal. In addition, the city began construction on the new Seventh Street transportation corridor, which crosses the site.

#### **Former Battery Recycling Sites**

- H.S. Mann site (Del Rey, Fresno County). This State orphan site is located in a small farm community adjacent to fruit-packing plants. Former battery and metals recycling operations



created high lead concentrations in soil and groundwater. DTSC completed the public comment period on the cleanup plans and environmental documents, and is preparing to approve the cleanup plan for the site.

- Alco Pacific, Inc. site (Los Angeles, Los Angeles County). DTSC used State orphan funds to define the extent of contamination at this former lead acid battery recycling site. Results showed elevated levels of metals in subsurface soil. DTSC also approved a risk assessment report for the site.

#### **Former Plating Shops**

- K&L Plating—89th Avenue site (Oakland, Alameda County). DTSC is working with the city of Oakland to remove contamination from the former plating shop site.
- Hard Chrome Products (Los Angeles, Los Angeles County). DTSC is using State orphan funds to investigate this former chrome plating facility, which is across the street from the Jefferson New Middle School. Contaminants in soil and groundwater include chromium VI and the solvents tetrachloroethylene (PCE) and trichloroethylene (TCE). The site is paved and fenced to prevent exposure to students, teachers and residents.

#### **Former Wood-Treating Sites**

- Alhambra Combined Facility (Alhambra, Los Angeles County). Contractors have installed an in-situ thermal oxidation system to treat 15,000 cubic yards of soil contaminated from former wood-treating operations. The system heats the soil to turn the contaminants into vapor, which is then extracted from the soil and destroyed under high heat. Using this innovative technology to destroy contamination will provide a permanent remedy for the site.

#### **Former Steel Mills**

- Kaiser Steel site (Fontana, San Bernardino County). DTSC oversaw capping of the tar pits at the former steel mill and removal of a 60-foot high slag pile. DTSC also provided oversight for cleanup of a 200-acre parcel, which became an industrial park.

### **Other Accomplishments**

1. DTSC finalized guidance on cleanup remedies and corrective actions at sensitive use sites in a management memorandum, “Response Actions for Sites Where Future Use May Include Sensitive Uses.” This document also addresses land use-restricting covenants.

### **Priorities**

#### **1. CLEAN Program Sites**

- Marina Bay Development (Richmond, Contra Costa County). DTSC will complete its review of cleanup plans at the site by January 2003.

## 2. Other Brownfields Sites

- Pacific Gas & Electric Decoto Road site (Union City, Alameda County). DTSC anticipates that Pacific Gas & Electric will complete field work in spring 2003. Union City is negotiating the purchase of the property for commercial development, a transit hub, and residential housing.

## 3. State Superfund Sites

- Roberts Tire site (Oakland, Alameda County). DTSC will use State funds to further investigate what additional contamination exists under the building foundations.
- Chemical and Pigment Company site (Bay Point, Contra Costa County). DTSC will begin removal actions for all buildings, upgrade the stormwater runoff controls, and evaluate disposal options for the soil stockpile. Completion is planned for May 2003.
- K&L Plating—89th Avenue site (Oakland, Alameda County). Demolition of buildings will begin in January 2003. DTSC continues to work with the neighborhood association to address concerns about additional contamination caused by the former plating facility.

4. **Response Action Regulations:** By the end of February 2003, DTSC will begin seeking comments on these regulations developed by DTSC's hazardous waste management program, site mitigation, and brownfields reuse program. The response action regulations would establish a consistent removal action process for both the corrective action provisions of Chapter 6.5 and removals conducted under Chapter 6.8 of the Health and Safety Code. These proposed regulations provide clear direction to facilities and agencies undertaking corrective action, and they provide criteria for evaluating Certified Unified Program Agencies (CUPA) seeking authorization to implement corrective action.
5. **Finalize Private Site Management Standard Regulations:** The DTSC site mitigation and brownfields reuse program will issue final regulations concerning the private site management program. Regulations require that small, low-threat site cleanups undertaken without full DTSC oversight must be conducted by registered environmental assessors (REA II). DTSC anticipates that the regulations will allow more of those small sites to be cleaned up quickly, returning the property to reuse.

## ***Recycling Military Facilities***

DTSC oversees the investigation and cleanup of contaminated California properties currently or previously owned and operated by the various branches within the federal Department of Defense. Since the late 1980s, the federal government has closed 29 major and several other minor installations in California. In addition to the usual hazardous substances releases found at properties once used for industrial purposes, the cleanup of military facilities is frequently compounded by the presence of unexploded ordnance. DTSC is recognized nationally as a leader in devising ways to address this very

difficult problem. The DTSC site mitigation and brownfields reuse program supports the work at the military facilities. The DTSC hazardous waste management program also engages in various activities at some of the bases.

## Accomplishments

1. **Transfer of Military Facilities:** DTSC is working to complete the early transfer of a number of parcels at closed and closing military facilities. “Early transfer” refers to the transfer of parcels on military facilities that are cleaned up or otherwise cleared for release for reuse before the entire installation is cleaned up.

- Western Early Transfer—Mare Island Shipyard (Solano County). Governor Davis signed the early transfer covenant deferral in September to allow the U.S. Navy to transfer 2,800 acres to the State Lands Commission.
- East Fort Baker (Sausalito, Marin County). DTSC certified that the U.S. Army’s hazardous substance remediation is complete, allowing the Army to transfer the 93-acre property to the National Park Service for a conference center and recreational use.
- Oakland Army Base (Alameda County). DTSC signed a consent agreement and a remedial action plan with the City of Oakland to allow the transfer of 380 acres from the U.S. Navy to the City and Port of Oakland to redevelop the site for industrial, commercial, and port reuses.
- Hamilton Army Airfield (Petaluma, Marin County). There has been a delay of the transfer of 600 acres to the Coastal Commission. The new proposed transfer date is September 30, 2003.
- Naval Communication Station (Stockton, San Joaquin County). The Navy transferred 406 acres of uncontaminated property to the Port of Stockton in July 2002 as Phase II of the three transfer phases. The final phase is proposed for December 2003.
- Hunters Point Shipyard (San Francisco, San Francisco County). The transfer of 86 acres has been delayed due to the recent detections of soil gas contamination migrating from an adjacent landfill. A soil gas treatment system and a cut-off wall have been installed, but the transfer will be delayed at least one year.
- Long Beach Naval Complex (Long Beach, Los Angeles County). The proposed early transfer parcel contained a RCRA Hazardous Waste Storage Facility for which closure has not been certified. The recipient does not want the liabilities that are associated with RCRA. DTSC must certify closure of the storage unit and terminate corrective action prior to transfer.

## 2. Military Facility Cleanup

- El Toro Marine Corps Air Station (Irvine, Orange County). DTSC oversaw removal of soils contaminated with volatile organic compounds from the site to prevent further degradation of shallow groundwater.

- Point Vincente Interpretive Center (Rancho Palos Verdes, Los Angeles County). At a ceremony on November 8, 2002, DTSC received special thanks from Mayor Douglas Stern of Rancho Palos Verdes for assistance and oversight of an environmental cleanup of lead-contaminated soil at a former U.S. Army shooting range. The cleanup is required to expand the interpretive center.
- Seal Beach Naval Weapons Station (Orange County). DTSC approved plans to remove contaminated soil and conduct groundwater monitoring from a former demilitarization furnace facility.
- Vandenberg Air Force Base (Lompoc, Santa Barbara County). DTSC oversaw the removal of sandblast grit and soil contaminated with volatile organic compounds in three removals. DTSC will decide on the final site remedy after the U.S. Air Force completes the remedial investigation and feasibility study.
- Travis Air Force Base (Fairfield, Solano County). DTSC and U.S. EPA resolved a formal dispute with the U.S. Air Force on restricting future land use on the base using a land use covenant. The resolution of this dispute helps determine the outcome of a number of other similar disputes with the military over similar land use restrictions.
- U.S. Naval Air Weapons Station, (City of China Lake, Kern County). On September 26, the DTSC hazardous waste management program signed a consent order settling serious hazardous waste violations found during April 1998 and May 2000 inspections. The Navy will pay a total of \$40,000, of which \$19,813 is a penalty and \$20,187 is a reimbursement of DTSC's costs. DTSC will credit \$5,000 toward the penalty for a Navy representative's completion of California Compliance School. The penalty also included a 100 percent reduction for self-disclosed violations. The Attorney General's office represented DTSC in the settlement negotiations.
- The Crossings site (San Bruno, San Mateo County). The U.S. Navy used this 20-acre site for its administrative, engineering, and personnel processing from 1943 until 2000, leaving behind soil contaminated with metals and pesticides. DTSC worked with the new property owners on investigating and removing contamination to facilitate the intended housing and commercial development.
- Naval Station, Treasure Island (San Francisco, San Francisco County). The bridge crossing site was transferred from the Navy to the Federal Highway Administration, then to CalTrans. The new span of the Bay Bridge is currently under construction.

### 3. Munitions and Ordnance

- National Munitions Response Committee. Participants reached a tentative agreement on regulatory oversight of ordnance cleanup at sites with unexploded ordnance. U.S. EPA, the

Department of Defense, military service branches, four states, and the National Association of Attorney Generals agreed to mutual sign-offs at key decision points in ordnance cleanups. They also developed a dispute resolution process and reservation rights for the parties. DTSC supports the work of this important committee.

- Ford Ord (Monterey County). DTSC signed the interim action record of decision for a controlled burn of vegetation and subsequent removal of highly unstable ordnance and explosives from former ranges near redeveloped areas. The project required a high level of community outreach, air pollution analysis, and toxicology input.
- Tourtelot cleanup (Benicia, Solano County). DTSC received the League of California Cities' Helen Putnam Award for Excellence for the superior interagency partnership and facilitation related to the Tourtelot ordnance and explosives cleanup.
- Former Whittaker-Bermite facility (Santa Clarita, Los Angeles County). DTSC is working with the U.S. Army Corps of Engineers to detect unexploded ordnance and determine the extent of perchlorate (used in rocket fuel) and volatile organic compound groundwater contamination near the former munitions and explosives manufacturing facility.

#### 4. Other Accomplishments

- El Centro Naval Air Facility (Imperial County). DTSC received the Chief of Naval Operations' Environmental Cleanup Award for its involvement in cleaning up this military facility.
- The Office of Military Facilities. This office holds leadership positions in the federal facilities committee for the Association of State and Territorial Solid Waste Management Officials (ASTSWMO). ASTSWMO participates in national discussions with U.S. EPA and the Department of Defense to develop policy and resolve issues of concern to State and federal cleanup programs.
- 40-state Interstate Technology and Regulatory Council. DTSC continues to participate in this council that offers State regulators the only forum in this country for collective learning about new and innovative technologies. DTSC helped organize and deliver an unexploded ordnance basic training class in Monterey in December 2002.

### Priorities

1. **Base Transfer and Cleanup:** DTSC is working to continue to complete the early transfers of a number of parcels of military facilities listed above.
2. **Unexploded Ordnance:** DTSC will continue to contribute to developing and implementing means to clean up unexploded ordnance.

### 3. Open Burn and Open Detonation

- China Lake Naval Weapons Station (China Lake, Kern County). DTSC is evaluating the China Lake Test Plan and information submitted by China Lake personnel as part of its open detonation permit. In a similar project in Northern California, DTSC will evaluate the technical merits of alternatives to open burning or open detonation of pyrotechnic wastes.
- Sierra Army Depot (Lassen County). DTSC expects to make a final permit determination for Sierra Army Depot in June 2003, potentially holding public workshops and hearings in the spring. Extensive public concern and controversy, plus litigation, stemming from the proposed open burn and open detonation activities at the depot, have delayed completion of this project.

4. **Perchlorate Contamination:** DTSC is working with the State Water Resources Control Board to develop an overview of perchlorate in groundwater based on samplings. DTSC is also researching treatment methods. As a chemical used in rocket solid fuel, perchlorate is a legacy of the military's presence in California. This substance is appearing in increasing numbers of wells throughout the state. While science concerning perchlorate's effect on the human body is not conclusive, it appears to affect the thyroid.

## Enforcement

DTSC monitors hazardous waste transfer and storage, treatment, and disposal facilities for illegal activity. This includes electronic manifest surveillance and monitoring registered hazardous waste haulers. DTSC takes appropriate enforcement action against hazardous waste handlers when they violate hazardous waste requirements. Because of the complexity of hazardous waste laws, DTSC provides compliance assistance and emphasizes making its enforcement program clear and consistent. Another critical element of DTSC's successful enforcement program is the focus on ensuring that those who handle hazardous waste have sufficient financial mechanisms in place to either respond to a release or to close their facility safely.

## Accomplishments

1. **Manifest Discrepancies Regulations:** The emergency regulations were re-adopted on December 2 pending the completion of the final regulations. The emergency regulations impose more stringent standards for reporting manifest discrepancies involving explosives and poisons. The final rulemaking package underwent a 45-day public notice and comment period and concluded with a public hearing on September 16. Changes were made to the regulation as a result of comments received. DTSC is preparing to issue a 15-day public notice and comment period, during which the public can comment on recent changes made to the regulations. DTSC anticipates filing the final package with the Office of Administrative Law by the end of March 2003.

## 2. **Los Angeles Jewelry Mart (Los Angeles County):**

- **Fact Sheet.** DTSC developed 12 fact sheets for the jewelry manufacturing industry and made them available in Spanish, Armenian, and Vietnamese in hard copy and on its Web site. These materials are part of continuing outreach and education to the jewelry manufacturing industry. The fact sheets address safe management practices, recommended alternatives to chemicals used in jewelry manufacturing, and risks posed by jewelry manufacturing waste streams.
- **Workshop.** DTSC conducted a workshop on May 17, 2002, for the building owners of the Los Angeles Jewelry Mart on the hazardous waste generator requirements and off-site treatment, storage, and disposal facility permitting requirements. DTSC is working with building owners to encourage the development of performance measures to monitor tenant hazardous waste activity. Those measures would prevent hazardous waste disposal and minimize a building owner's exposure to enforcement by DTSC or alleged illegal discharge to drains and air vents committed by tenants.
- **Guidance Manual.** DTSC's hazardous waste management and science, pollution prevention, and technology programs, in conjunction with the California Compliance School, produced a short film, "The Jewelry Makers' Guide to Hazardous Waste Management." DTSC developed the film script and supervised filming at representative manufacturers who employ pollution prevention practices in their operations. One of the subjects presented addressed replacement technologies for cyanide, which eliminates the source of cyanide discharges to the basement treatment systems found in many buildings throughout the jewelry district.

3. **California/Mexico Border:** DTSC provided compliance assistance to brokers, maquiladoras (engineers), and environmental consultants managing hazardous wastes in the U.S./Mexico border region. In collaboration with U.S. EPA, Cal/EPA, local agencies, and government authorities in Mexico, DTSC developed training courses for businesses and agencies in California and Mexico. The training addressed pollution prevention methods in selected industries, emergency response procedures, and techniques for sampling and analyzing wastes. DTSC participated in various coordination meetings with federal, State, and local agencies both in California and in Baja California.
4. **Backlog Reduction:** DTSC initiated formal enforcement action on the three remaining backlogged cases for which action had not been initiated at the time of the last Accomplishments & Priorities report. To minimize new backlogs, DTSC adopted the U.S. EPA enforcement policy that encourages initiation of formal enforcement action within 180 days following the discovery of a violation.
5. **Inspections, Complaints, and Enforcement (ICE) Database:** On July 1, the new inspections, complaints, and enforcement (ICE) data system went live. The ICE system replaces multiple systems established during the mid-1980s to track and collect data regarding enforcement

activities. On December 31, 2001, DTSC entered into a contract with Covansys Corporation to develop this new database system containing information on inspections, complaints, and related enforcement actions taken by DTSC. Since then, DTSC staff has reviewed ICE data to correct errors, populate data fields, and test various reports.

6. **AERC.Com, Inc. (formerly Mercury Technologies International) (Hayward, Alameda County):** In November, DTSC and the Attorney General's office settled with AERC.Com for violations found in November 1999, including receiving and storing polychlorinated biphenyls (PCBs) in lighting fixtures without a permit. The company will pay \$84,000; of this amount, \$76,500 is a penalty and \$7,500 is reimbursement for DTSC costs. DTSC will apply a credit of \$5,000 for the site manager's completion of California Compliance School, a contracted vendor, and a credit up to \$20,500 for a supplemental environmental project. AERC.Com has a series "A" standardized permit to reclaim mercury from spent fluorescent and high-density lamps.

## Priorities

1. **Jewelry Mart:** DTSC will remain active in the Jewelry Mart task force and coordinate activities with the city and county of Los Angeles. DTSC will continue compliance assistance outreach to better educate property owners and the jewelry industry. In spring 2003, DTSC will propose regulations to add aqueous waste cyanide to the permit-by-rule tier of self-implementing authorization. The proposed regulations will limit the concentration of cyanide that can be treated without additional safety analysis.
2. **Identifying Non-Compliance:** DTSC will use its new Internet browser-based hazardous waste tracking system and other sources of information to systematically identify persons operating out of compliance with hazardous waste laws and regulations. DTSC will focus its efforts on entities managing universal wastes, taking enforcement action when appropriate, and providing compliance assistance.
3. **Overloaded Trucks:** DTSC intends to adopt regulations governing the transfer of contaminated soil from overloaded dump trucks to other vehicles before arrival at their final destinations. These regulations will clarify that an existing regulatory exemption applies to the transfer of contaminated soil from an overloaded truck. The regulations will also require, as conditions of the exemption, that the transporter take specified measures to prevent releasing hazardous waste during the bulk transfer.

## Pollution Prevention

California is best protected from dangers associated with hazardous waste when that specific waste is not created in the first place. DTSC's pollution prevention staff works with State and local agencies, businesses, and non-governmental agencies to offer source reduction, reuse, and recycling to promote pollution prevention. In addition, integration of pollution prevention strategies in both regulatory and operational programs is emphasized. From inspectors in regional offices and scientists in the



hazardous materials laboratories to public outreach staff, the DTSC team works to reduce hazardous substances, limit waste, and preserve the environment.

## Accomplishments

### 1. Mercury Elimination

- **Regulations.** In December, DTSC adopted regulations that list four mercury-containing products. When discarded, these products are to be classified as hazardous wastes, regardless of mercury concentration. The products are motor vehicle light switches, non-motor vehicle mercury switches (from appliances), mercury-containing lamps (fluorescent tubes), and mercury novelty items to which mercury has been added (children's shoes with lights in the soles). The regulations also identify these and six other mercury-containing hazardous wastes as universal wastes and establish universal waste management standards for them. As part of the rulemaking effort, DTSC subjected its final mercury report to scientific peer review by faculty at the University of California, Santa Cruz, and California State University, Chico. The regulations become effective in March 2003.
- **Voluntary Hospital Mercury Reduction Project.** Following up on a 1998 U.S. EPA/American Hospital Association initiative, DTSC and the State Department of Health Services issued a joint challenge to California hospitals calling for the elimination of mercury. Five hospitals have been recognized for meeting the standards by removing 90 to 95 percent of their mercury, 8 to 15 kilograms per facility:

Kaiser Permanente Fontana Medical Center.

Kaiser Permanente Fresno Medical Center.

Kaiser Permanente Roseville Center.

Kaiser Permanente Santa Rosa Medical Center.

Stanford Hospitals and Clinics.

### 2. Electronic Waste Management

- **Research.** DTSC continues to evaluate consumer electronic products to ascertain whether they contain hazardous substances that may escape into the environment if not handled properly. DTSC completed an analysis of selected consumer electronic products to determine the amounts of lead, copper, and other elements—plus brominated flame retardants those products contain. The lab also presented technical papers on brominated flame-retardants in e-waste at a conference organized by U.S. EPA Region 9.
- **Regulations.** In December 2002, DTSC adopted regulations for managing cathode ray tube (CRT) materials and consumer electronic devices under universal waste. These regulations

- replace the emergency regulations currently in place for the management of CRTs and will be effective in March 2003.
3. **Vehicle Service and Repair Project:** DTSC trained more than 1,000 mechanics and State and local government regulators to implement pollution prevention techniques at vehicle repair shops. The vehicle repair industry in California constitutes more than 33,000 individual businesses. Of these, nearly half are located in Los Angeles. Typical wastes include used oil, waste anti-freeze, spent lead-acid batteries, waste solvents, clarifier liquids and sludge, and contaminated absorbent and shop rags. In conducting follow-up surveys, DTSC found that almost 60 percent of businesses that attended the training implemented one or more of the recommended pollution prevention measures. In addition, DTSC is working with corporate partners that include Napa Auto Parts, Ford/Lincoln/Mercury, Honda, and the California Automobile Association to encourage wider adoption of pollution prevention practices. Finally, Shasta College, with financial support from DTSC, completed pollution prevention curriculum for mechanics and is sharing it with other community colleges throughout the State.
  4. **Source Reduction Planning Act:** DTSC completed a follow-up assessment of the 300 largest generators who failed to submit required source reduction planning and reporting documents. These generators produce more than 80 percent of the waste from the non-reporting businesses. Follow-up enforcement efforts resolved the status of all but two of these generators. DTSC has also initiated follow-up efforts with approximately 2,200 facilities that “self-certified” as being exempt from this law. DTSC screened manifest records to reduce this number to 300 to be targeted for further review. In December 2002, DTSC released a new source reduction planning guidance manual for the documents due in September 2003.
  5. **Chemical Industry Assessment:** DTSC is reviewing source reduction plans and reports from 20 of the largest chemical manufacturers in California (excluding petroleum refineries). The review entails assessing source reduction progress within the industry and identifying viable and transferable source reduction measures.
  6. **Body Burdens in Humans:** U.S. EPA Region 9 awarded DTSC a pollution prevention grant to measure contaminants in breast milk for women. This research will contribute to the body of scientific knowledge relating to persistent bioaccumulative contaminants.
  7. **Local Government.** DTSC provided extensive support to local government pollution prevention roundtable committees, including local governments in the northern San Joaquin Valley (from Lodi to Merced), the Sierra Nevada region (from Nevada City to South Lake Tahoe) and the northern Sacramento Valley area (greater Redding). Other efforts supported 100 local government entities engaged in Pollution Prevention Week activities from September 16–22. DTSC printed and distributed 20,000 posters and 4,000 T-shirts statewide to promote pollution prevention. In addition, DTSC co-sponsored the tenth annual Western Regional Pollution Prevention Network conference in Santa Barbara. The conference drew 200 participants from the

states of California, Hawaii, Nevada, and Arizona, as well as representatives from U.S. EPA and Mexico.

## Priorities

### 1. Mercury Elimination

- Implementation of the California Mercury Reduction Act. As required by the California Mercury Reduction Act (SB 633, Sher, Chapter 656, Statutes of 2001), DTSC will provide information and technical support to automobile dismantlers, auto repair shops, and the public. Education will focus on how to remove mercury switches in vehicles and replace them with non-mercury-containing switches.
- Implementation of the Mercury and Electronic Hazardous Waste Regulations. DTSC will conduct outreach and education efforts to the public and regulated stakeholders to provide guidance on the universal waste management standards. DTSC will promote compliance with the new regulations.
- Pollution Prevention Grant. DTSC received a U.S. EPA Region 9 pollution prevention grant to fund a proposed mercury reduction project in partnership with the Los Angeles chapter of the nonprofit organization Physicians for Social Responsibility. The project, Partnerships for Mercury Pollution Prevention, will provide mercury-free sphygmomanometers (blood pressure gauges) in exchange for mercury-containing units to 25 community clinics statewide. Physicians for Social Responsibility will also conduct training sessions on the dangers of mercury for clinic staff. In addition, mercury-free fever thermometers and educational materials will be provided to clinic patients. The proposed project supports ongoing efforts by DTSC to address mercury contamination in the state's environment.
- Voluntary Hospital Mercury Reduction Project. DTSC will schedule an awards and recognition ceremony in spring 2003 to recognize hospitals that have met the mercury reduction challenge and will continue to work with the State Department of Health Services to recruit additional California hospitals to participate. DTSC will expand the project to include other project sponsors, such as local sewer agencies and Certified Unified Program Agencies.

2. **Vehicle Service and Repair Project:** DTSC will continue to provide training to local government and facility operators. More emphasis will be placed on solidifying corporate partnerships, and DTSC will propose a "model shop" program for them. DTSC will also expand the program vehicle fleets, including State-run fleets. A vendor directory will be launched on the DTSC Web site listing sources for pollution prevention equipment and technologies.
3. **Source Reduction Planning Act:** During the next six months, DTSC will conduct a series of training and outreach activities to remind generators of the need to prepare new source reduction

plans. This will include a mass mailing to more than 3,500 generators and workshops for Certified Unified Program Agency inspectors.

4. **Chemical Industry Assessment:** DTSC will complete its source reduction plan reviews and provide feedback to the industry to assist them in preparing their 2003 documents.
5. **Body Burdens in Humans:** DTSC will develop protocols and methods and begin analyzing contaminants in breast milk under the grant from U.S. EPA Region 9.
6. **Local Government:** DTSC will continue to support local government pollution prevention committees and will begin work on activities for the 2003 Pollution Prevention Week.

## ***Public Participation and Environmental Justice***

DTSC actively engages communities throughout California on site cleanups and permit determinations. DTSC invites comments from all interested people on key decisions, always going to the affected community to engage in various forms of dialogue. In all cases, our project teams are sensitive to cultural issues, language, and educational levels. DTSC has an interim environmental justice policy in place. The policy states in part that the department is committed to ensuring that all of the State's populations, without regard to color, national origin, or income, are equally protected from adverse human or environmental effects as a result of the department's policies, programs, or activities. DTSC will look for further opportunities to instill the principles of environmental justice into all projects and processes.

## **Accomplishments**

### **1. Streamlining School Site Public Participation**

- DTSC developed a standardized community assessment and public notice and fact sheet format specifically for school projects. This standardization ensures quick turnaround of these work products, thus avoiding delays in assessing and cleaning school sites.
- DTSC initiated efforts to improve public involvement at proposed school sites. In response to heightened public interest, DTSC sponsored community meetings to coincide with existing meetings held by such groups as the PTA or school faculty. These gatherings provided an efficient forum for the most impacted and interested portions of the community, so they can better understand information about contamination and any proposal to clean up the contamination.

### **2. Increased Public Involvement:** DTSC implemented various activities designed to enhance public understanding of DTSC processes and to involve the public early and continuously in DTSC decision-making:

- Conducted 40 public meetings.

- Held six public hearings.
  - Participated in 45 restoration advisory board (RAB) meetings.
  - Participated in 42 interagency meetings.
  - Issued 94 fact sheets.
  - Issued 54 public notices.
  - Conducted 55 community assessments.
  - Produced 24 public participation plans.
3. **Educational Video:** DTSC produced its first five-minute educational video for residents at the William Mead Homes site in Los Angeles, at no cost to DTSC. The video explains the type of contamination and health effects and how DTSC plans to remove the material. Through its community assessment process, DTSC determined that a video would be more useful to community members than written materials. DTSC translated the video into Spanish and Vietnamese and will assess the effectiveness of this method of public involvement.
4. **Environmental Justice**
- Cal/EPA's Environmental Justice Advisory Committee Meetings. DTSC participated in Cal/EPA's Environmental Justice Advisory Committee meetings, strategy workshops, and internal work groups for coordination of DTSC's environmental justice efforts.
  - Environmental Justice Fact Sheet. DTSC developed a fact sheet that defines the term and offers an overview of environmental justice. A fact sheet in both English and Spanish is on the DTSC Web Site.
  - Environmental Justice Outreach. The DTSC outreach programs continue to develop and distribute translated documents in communities in which English is a second language. Of the approximately 100 developed fact sheets, DTSC had 40 percent translated into Spanish, Vietnamese, Chinese, Hmong, or Armenian. Additionally, DTSC continues to provide interpreters at public meetings where its community assessments reveal the possibility that audience members may not speak English.

## Priorities

1. **Public Participation Manual:** DTSC will complete final revisions to the *Public Participation Policy and Guidance Manual* and provide training to DTSC staff.
2. **Continuous Improvements:** DTSC will continue to put a high priority on its outreach efforts at schools and other projects to ensure that its decision-making process and judgments are understandable and accessible to all.

3. **Handbook on Contaminants:** DTSC will assist Cal/EPA in developing a user-friendly handbook about contaminants frequently found in California's air, water, and soil.
4. **Regional Environmental Justice Community Assessments**
  - East Los Angeles. DTSC will complete its first community assessment in East Los Angeles. The assessment will provide demographics, site and facility locations, community issues, and identification of community leaders. The assessment will also provide various methods to address environmental impacts on a site-specific basis.
  - West Oakland. DTSC will develop a work plan to produce a similar assessment to support a regional outreach strategy for West Oakland.

### ***Site Mitigation and Brownfields Reuse***

Site mitigation refers to the process by which hazardous substances sites are identified and investigated, and in which cleanup alternatives are developed and implemented. Brownfields are urban properties that have remained dormant for some time due to real or perceived contamination from past use of the site. The site mitigation and brownfields reuse program has projects in the areas of school property evaluation and cleanup, military facilities, statewide cleanup operations (including the State and federal Superfund sites), emergency response, and clandestine drug lab cleanup. The program accomplishes the cleanup of contaminated sites in California by either ensuring that those responsible for the contamination take all necessary actions or by performing those actions itself. Many of its goals and accomplishment appear in the areas of emphasis, especially in schools, recycling military facilities, and brownfields reuse.

**Cal/EPA Goal 4:** Communities free from unacceptable human health and ecological risks, due to exposure from hazardous substances and other potentially harmful agents.

**Cal/EPA Goal 5:** Reduce or eliminate the disproportionate impacts of pollution on low-income and minority populations.

#### **DTSC Strategic Objectives:**

Establish and implement protective and consistent cleanup programs and standards that can serve as a model for California and the nation.

Ensure that we identify sites and prioritize our actions so that hazardous substances sites that are of the greatest impact to public health or the environment are characterized and remediated expeditiously.

Restore contaminated sites to beneficial use in a manner that protects public health and the environment.

Reduce or eliminate disproportionate effects of pollution on low-income and minority populations.

Ensure that the broadest range of environmental information is understandable, available, accessible, and useful.

Strive for the broadest possible public involvement in site and facility decisions.

Ensure that the California Environmental Quality Act (CEQA) is appropriately utilized in making project decisions.

Ensure DTSC's resources are focused on its highest priorities and core competencies.

## ***School Property Evaluation and Cleanup***

The DTSC school property evaluation and cleanup program accomplishments and priorities were previously listed under "Areas of Emphasis" on page 37.

### **Statewide Cleanup Operations**

DTSC is responsible for overseeing cleanup activities at State and federal Superfund sites, as well as at many brownfields sites where perceived or real contamination stifles reuse due to potential environmental cleanup costs and liabilities. The accomplishments and priorities of the brownfields reuse element of statewide cleanup operations appear under "Areas of Emphasis" on page 40.

### **Accomplishments**

1. **State Superfund Sites:** California's superfund program works on contaminated sites that are not listed on the federal national priorities list, yet pose a significant threat to public health and the environment. Under this program, DTSC uses State funds to clean up sites at which responsible parties do not exist or do not have sufficient funds to pay for cleanup activities.
  - Mangels Ranch (Suisun City/Fairfield, Solano County). The use of insecticides at this former cattle ranch resulted in contaminated soil. DTSC approved plans to excavate and dispose of the hazardous materials.

#### **Tire Fire Sites**

- Westley Tire Fire (Westley, Stanislaus County). DTSC joined with the Central Valley Regional Water Quality Control Board (CIWMB) and the California Integrated Waste Management Board to oversee cleanup of the dramatic and destructive 1999 tire fire. Contractors excavated and removed approximately 180,000 cubic yards of waste and burned tire debris.
- Tracy Tire Fire (Tracy, San Joaquin County). DTSC and the CIWMB are collaborating on the cleanup of this site through a memorandum of agreement. DTSC reviewed a removal assessment report, a remedial investigation, and feasibility study. The agencies also chose a consultant and a field contractor to investigate and remediate the site.

**Oil, Gas, and Town Gas Sites**

- William Mead Homes (Los Angeles County). DTSC is providing technical oversight to the Housing Authority of the city of Los Angeles during the preparation of plans to remove lead and petroleum hydrocarbon-contaminated soil from the site. William Mead Homes consists of 415 units, housing 1,400 residents. DTSC also produced its instructional video for this site (see page 55).
- Santa Ana Manufactured Gas Plant (Santa Ana, Orange County). DTSC is overseeing cleanup activities at this former manufactured gas plant site. Local artists are painting murals on the wall, constructed around a portion of the site as part of the cleanup.

**Naturally-Occurring Asbestos Sites**

- Garden Valley Discovery (Garden Valley, El Dorado County). DTSC is providing assistance to identify potential sources of naturally-occurring asbestos and to assess releases from roads surfaced with serpentine, the mineral that is a source of asbestos. In November, DTSC released the final report of soil sampling at roads, bus stops, and quarries. DTSC also completed preliminary field work to test asbestos emissions from serpentine-surfaced roads.

**Pesticide-Contaminated Sites**

- University of California, Riverside (Riverside County). DTSC oversaw the excavation and on-site treatment of 40,000 tons of soil contaminated by pesticides and PCBs. Contractors used low-temperature thermal desorption to treat the soil.

**Regional Groundwater Plume Sites**

- South Fresno Regional Groundwater Plume (Fresno County). DTSC reached agreement with responsible parties on the cleanup activities to be conducted at this regional groundwater site.

**Auto Salvage Sites**

- S.R. Kilby (Rosamond, Kern County). This 7-acre State orphan site is a former auto salvage operation. DTSC found high lead soil contamination and has completed most of the site investigation activities, including arsenic background soil sampling.

**PCB-Contaminated Sites**

- Fieldstone property (Huntington Beach, Orange County). DTSC performed sampling in backyards of several homes adjacent to the Fieldstone property next to the Bolsa Chica wetlands. The owners of the property are under an order to develop plans to further investigate and clean up PCB contamination from the site.



2. **Federal Superfund Sites:** Federal Superfund projects involve sites placed on the national priorities list by U.S. EPA, following a process specified in federal law. U.S. EPA oversees and directs investigation and cleanup activities at these sites. The State participates with U.S. EPA in these activities and provides 10 percent of the matching funds toward these efforts. Once investigations and cleanup work are completed, DTSC monitors the ongoing operation and maintenance of the remedy.
- Casmalia Resources Facility (Casmalia, Santa Barbara County). DTSC provided oversight of cap construction and redesign at two former landfills and is working with U.S. EPA to recover past response costs and develop a consent decree with potentially responsible parties.
  - Stringfellow Superfund site (Glen Avon, Riverside County). DTSC completed major repairs at the pre-treatment plant and installed 28 new monitoring wells in the community to determine the extent of a groundwater plume. All remaining residents within the area of perchlorate contamination were connected to the local municipal water supply. Perchlorate is used in rocket fuel.
  - Montrose Chemical Corporation (Los Angeles, Los Angeles County). DTSC provided support to U.S. EPA on the removal of 10,000 cubic yards of DDT-contaminated soils from the front yards of 22 homes adjacent to the Montrose Superfund site. Contractors completed all remedial and landscaping redevelopment work. In addition, DTSC collected \$172,000 from three court settlements related to the liability lawsuits.
  - Del Norte County Pesticide (Crescent City, Del Norte County). U.S. EPA de-listed this site from the national priorities list (for example, the Superfund list) on September 19. DTSC will oversee ongoing groundwater monitoring activities. From 1970 to 1981, the property owners stored pesticide containers from local agricultural and forestry-related industries at the site, resulting in soils contaminated with herbicides, pesticides, and solvents.
  - GBF/Pittsburg Landfill (Antioch/Pittsburg, Contra Costa County). U.S. EPA proposes listing this site on the national priorities (Superfund) list. DTSC is the lead agency for overseeing the work at the site. In August, DTSC approved the remedial design and implementation plan for the first phase of the groundwater pump and treatment system.

## Priorities

### 1. State Superfund Sites

- Mangels Ranch (Suisun City/Fairfield, Solano County). DTSC contractors will backfill the area contaminated with pesticides with clean soil and complete all field work by early 2003.

### **Oil, Gas, and Town Gas Sites**

- Santa Ana Manufactured Gas Plant (Santa Ana, Orange County). DTSC will complete cleanup activities at this site by mid-2003.

### **2. Federal Superfund Sites**

- GBF/Pittsburg Landfill (Antioch/Pittsburg, Contra Costa County). DTSC will oversee construction of the first phase of groundwater pump and treat system that will be operational in May 2003.

## ***Emergency Response and Statewide Operations***

DTSC has trained responders who provide immediate assistance during sudden or threatened releases of hazardous materials.

### **Accomplishments**

1. **Emergency Response Program:** DTSC completed emergency removal actions at 1,100 illegal drug lab sites seized by State and local enforcement agencies and at 60 other non-lab-related sites.
2. **Ford City (Kern County):** DTSC completed an initial assessment of residential properties adjacent to the Naval Petroleum Reserve in Ford City, finding high levels of lead at or near the surface of seven homes.
3. **Illegal Drug Lab Remediation:** DTSC developed a listing of chemicals of concern that are produced at illegal drug labs and forwarded it to OEHHA for its evaluation and assessment of these chemicals.
4. **Clandestine Drug Lab Testing:** DTSC's hazardous materials laboratory began evaluating immunoassay tests with the potential to quickly and inexpensively test former clandestine drug labs. In cooperation with the Department of Justice and OEHHA, DTSC completed a test plan for the use of immunoassays in clandestine drug labs.

### **Priorities**

DTSC implements these general fund-financed programs through its site mitigation and brownfields reuse program. California's severe fiscal crisis will seriously curtail DTSC's ability to continue the programs described above.

1. **Clandestine Drug Lab Testing:** DTSC and OEHHA will complete an evaluation of immunoassays and other field testing for former clandestine drug labs.

## ***Hazardous Waste Management***

The hazardous waste management program affects every household and business in California through its regulatory efforts. DTSC directly oversees 147 permitted or otherwise authorized

facilities, 936 registered transporters, and 726 facilities or generators currently engaged in corrective action. Three divisions perform the following tasks:

- Inspections.
- Enforcement actions.
- Determinations on applications for permits and other grants of authorization.
- Oversight of corrective action.
- Development and adoption of regulations to define hazardous waste and how it is to be managed.
- Oversight of CUPAs, which are delegated responsibility for implementing the hazardous waste generator program at the local level.
- Many of its accomplishments and priorities appear under “Areas of Emphasis” beginning on page 36.

**Cal/EPA Goal 4:** Communities free from unacceptable human health and ecological risks due to exposure from hazardous substances and other potential harmful agents.

**Cal/EPA Goal 5:** Reduce, if not eliminate the disproportionate impacts of pollution on low-income and minority populations.

**DTSC Strategic Objectives:**

Monitor California’s hazardous waste storage, treatment, and landfill capacity to manage all its hazardous waste in a safe and efficient manner.

Prevent future hazardous waste contamination of the environment by ensuring proper management and provision for adequate financial assurance.

Reduce the dependence on treatment and disposal by reduction, reuse, and recycling.

Reduce the adverse impacts of hazardous waste going across the California-Mexico border.

Build on the current regulatory framework toward a performance-based system that fosters continual improvement in hazardous waste management, leading to a sustainable California.

Ensure that the broadest range of environmental information is understandable, available, accessible, and useful.

Strive for the broadest possible public involvement in site and facility decisions.

Ensure the California Environmental Quality Act (CEQA) is appropriately utilized in making project decisions.

Ensure DTSC's resources are focused on its highest priorities and core competences.

## ***Compliance and Enforcement***

Through its enforcement efforts, DTSC works to ensure that hazardous waste generators, transporters, and hazardous waste management facilities meet State and federal requirements. The program monitors hazardous waste transportation, storage, treatment, and disposal facilities and takes appropriate action against handlers who violate hazardous waste requirements. The program also provides technical investigation assistance and expert testimony for civil and criminal investigations. All of the statewide compliance division accomplishments and priorities are detailed under the enforcement section of "areas of emphasis."

## ***Permitting***

DTSC ensures that hazardous waste is properly managed at facilities that treat, store, and dispose of hazardous waste by enforcing regulations through its permitting and corrective action processes. California has a five-tier permitting program that matches the statutory and regulatory requirements imposed upon each category of hazardous waste facility to the degree of risk posed by them. The five permitting tiers, in descending order of regulatory oversight, are:

1. Full permit tier for off-site and on-site Resource Conservation and Recovery Act (RCRA) activities and selected non-RCRA activities.
2. Standardized permit for off-site and on-site wastes and activities regulated in California but not under RCRA.
3. Permit-by-rule tier for specified on-site activities.
4. Conditional authorization tier for other specified on-site activities.
5. Conditional exemption tier for still other specified on-site activities.

DTSC issues approximately 120 hazardous waste facility permits to industrial companies under the full and standardized permit tiers. DTSC regulates approximately 5,200 businesses that conduct lower-risk on-site treatment and storage activities through streamlined tiered permitting processes in the permit-by-rule and conditional authorization and exemption tiers.

## **Accomplishments**

### **1. Final Permit Determinations**

- Dow Chemical Company, Boiler and Industrial Furnace Permit (Pittsburg, Contra Costa County). DTSC received numerous comments from Californians for Renewable Energy and

Communities for a Better Environment during the second 45-day public comment period held for the draft permit and CEQA initial study and negative declaration that ended in November.

## 2. **Draft Permit Determinations**

- Evergreen Oil, Inc., used oil recycler (Newark, Alameda County). DTSC began reviewing the revised part “B” application to expand the capacity of this used oil recycling facility. DTSC is also preparing a project description that the city of Newark can use in its environmental document.

## 3. **Closure Verifications**

- Safety Kleen Systems, Inc., solvent recycling facility (Oakland, Alameda County) and Safety Kleen Systems, Inc., treatment/storage facility (Salida, Stanislaus County). DTSC has delayed work on these closure verifications because it has reassigned staff to projects of higher environmental concerns.

## 4. **Financial Responsibility/Closure Cost Update Project:** DTSC has made significant progress toward the goal of ensuring that all hazardous waste facilities have adequate financial resources to close in an environmentally protective manner. DTSC is updating closure-cost estimates for each facility, using the best available data and models. DTSC is coordinating with the facilities to ensure that the financial assurance mechanisms are adequately funded.

## 5. **Treated Wood Waste:** Between 1981 and 1995, DTSC granted variances and a waste classification, allowing management of treated wood waste as non-hazardous or disposed of at non-hazardous waste landfills. Analytical data has shown that treated wood waste can exceed the hazardous waste threshold levels for pentachlorophenol, copper, arsenic, and chromium. DTSC is reviewing the variances and waste classification to ensure consistency with existing law. For example, new recycling laws have made several of the variances unnecessary. DTSC staff met with the State Water Resources Control Board to discuss the management of treated wood waste at non-class I landfills.

## 6. **Waste Code Revision Regulations, R-98-03:** DTSC developed regulations to revise its waste code and handling code systems after seeking public comment on the issue, including extensive input from the regulated community. The proposed changes will provide DTSC with better information on hazardous waste generation and management and will address a number of problems with the current coding system.

## 7. **Sierra Army Depot (Lassen County):** In October 2002, the Depot submitted a request to DTSC to review the permit application due to the results of a litigation settlement. DTSC has been working with the Depot to determine the revised project details and subsequent documents. DTSC will update and revise the environmental, health risks, and technical analyses. DTSC plans

to conduct a public workshop in the spring of 2003 and public notice the draft permit determinations of June 2003.

## Priorities

### 1. Final Permit Determinations

- Quemetco, Battery Recycler (City of Industry, Los Angeles County). In January 2003, DTSC expects to make a final permit decision for Quemetco. DTSC delayed its final decision to respond to extensive comments on both the draft permit and the draft environmental impact report from the public and from the facility.
- Dow Chemical Company, Boiler and Industrial Furnace Permit (Pittsburg, Contra Costa County). DTSC anticipates responding to comments and making a final permit determination by February 2003.

### 2. Draft Permit Determinations

- Evergreen Oil, Inc., used oil recycler (Newark, Alameda County). DTSC anticipates that the environmental document needed for DTSC to make a permit determination will be completed by the city of Newark by June 2003.
- Romic Environmental Technologies (East Palo Alto, San Mateo County). DTSC expects to issue the public notice for the permit in June 2003 and conduct a public workshop on the human health risk assessment in mid-March 2003. DTSC has made substantial progress to resolve outstanding issues with the commercial solvent recycling facility related to the certification of tanks and secondary containment.

3. **Post-Closure Permit Project:** DTSC plans to issue at least five additional post-closure permits by June 2003. Post-closure permits ensure that former hazardous waste management facilities that are closed with waste in place are properly maintained and monitored to protect human health and the environment. The permits also ensure that the facilities have adequate financial resources to perform such maintenance and monitoring for at least 30 years after closure. DTSC calls in and processes post-closure permit applications as sites complete closure or corrective action, or as their existing permits approach 10-year expiration dates.
4. **Financial Responsibility/Closure Cost Update Project:** DTSC will review the majority of cost estimates for closure and post-closure in the state and work toward implementing any required revisions in financial assurance mechanisms.
5. **Treated Wood Waste:** DTSC, in cooperation with the California regional water quality control boards, is identifying non-class I landfills that may be interested in obtaining new authorization for acceptance of treated wood waste. DTSC plans to discuss with all stakeholders the appropriate management requirements and alternatives for treated wood waste in early 2003.

6. **Waste Code Revision Regulations, R-98-03:** After seeking formal public comment, DTSC will finalize regulations to revise its waste code and handling code systems.

## ***State Regulatory Programs***

In its State regulatory programs division, DTSC promulgates and adopts a variety of regulatory standards to define hazardous waste identification and management standards, both in response to statutory mandates and to refine the scope of its regulatory programs. In addition, to maintain its authorization from U.S. EPA as an authorized State program, DTSC must notice its regulations to align them with amended federal regulations. This division also supports the CUPA programs and oversees the lower-tier permits.

## **Accomplishments**

1. **Phase I Environmental Assessment Checklists:** DTSC received nine phase I environmental assessment checklists from permit-by-rule and conditional authorization facilities during the second half of 2002.
2. **Phase I Environmental Assessment Verification Inspections:** DTSC completed 13 inspections to verify the results of the tiered permitting phase I environmental assessment checklist. This process assesses conditions at sites where permit-by-rule and conditional authorization facilities are or have operated. DTSC completed six inspections at sites referred to DTSC by CUPAs and U.S. EPA.
3. **Draft Corrective Action Consent Agreements:** DTSC issued six draft corrective action consent agreements to facilities identified as needing further investigation on the phase I environment assessment checklist.
4. **Finalized Corrective Action Consent Agreements:** DTSC executed 17 corrective action consent agreements for tiered permitting and hazardous waste generator sites requiring corrective action for releases of hazardous waste to the property or surrounding area.
5. **Manifest Discrepancy Regulations:** See 48 in the Enforcement section of “Areas of Emphasis.”
6. **Waste Code Revision Regulations R-98-03:** DTSC will continue to develop regulations to amend its waste code system. The proposed regulations, currently undergoing internal review, will provide information on waste management, waste types, and hazardous characteristics of waste. DTSC plans to hold a public workshop to explain the proposed regulations at the time of the public notice with completion of the internal review expected in the summer of 2003.

## **Priorities**

1. **Tiered Permitting Phase I Environmental Assessments and Corrective Action:** DTSC will conduct 21 phase I environmental assessment verification inspections in the first half of 2003 and will execute 13 corrective action consent agreements during the same period.

2. **Aqueous Waste Cyanide Treatment:** See the Jewelry Mart item under Enforcement in “Areas of Emphasis” on page 49.
3. **Lead Report:** DTSC will finalize a waste stream study that examines the environmental and health effects of lead and re-evaluates the existing hazardous waste regulatory thresholds for lead in waste materials. This report will help determine whether DTSC will propose regulations to change the regulatory threshold for lead. Such a change would make the threshold consistent with current scientific knowledge and standards used for drinking water and site cleanup.
4. **Overloaded Dump Trucks:** These emergency regulations R-02-02 are scheduled to be sent to the Office of Administrative Law in April 2003. These regulations adopt environmentally protective standards for roadside off-loading of contaminated soil from a dangerously overloaded dump truck, and the transfer of the soil in bulk to another vehicle. DTSC will meet with the California Highway Patrol Commercial Vehicle Section to discuss the proposed full rule and coordinate issues between the two agencies. A public notice is scheduled for April 2003, and a public hearing is scheduled for May 2003. The final regulations are expected to be submitted to the Office of Administrative Law by the end of 2003.

## ***Science, Pollution Prevention, and Technology***

The science, pollution prevention, and technology program consolidates the scientific and technology-oriented activities of DTSC and supports environmental improvements through pollution prevention and the assessment of new environmental technologies. Many of the program’s accomplishments and priorities appear in the Pollution Prevention section of “Areas of Emphasis” beginning on page 50.

**Cal/EPA Goal 4:** Communities free from unacceptable human health and ecological risks due to exposure from hazardous substances and other potential harmful agents.

**Cal/EPA Goal 6:** Ensure the efficient use of natural resources.

**Cal/EPA Goal 7:** Continuous improvement and application of science and technology.

### **DTSC Strategic Objectives:**

Pursue phase-out of the use of selected persistent bioaccumulative toxic chemicals, based on highest environmental risk and the availability of suitable alternatives.

Reduce hazardous waste generation.

Diminish the dependence on treatment and disposal by reduction, reuse, and recycling.

Reduce the adverse impacts of hazardous waste transported across the California-Mexico border.



Enhance analytical capacity in risk assessment and measurements and monitoring to guide risk management decisions.

Promote the development, commercialization, and use of effective environmental techniques and technologies.

Develop data of adequate quality for hazardous substance measurement.

Reduce or eliminate disproportionate effects of pollution on low-income and minority populations.

Ensure that the broadest range of environmental information is understandable, available, accessible, and useful.

Understand, anticipate, and meet program needs for space, equipment, training, and information.

## ***Environmental Science***

DTSC assesses the risk and hazard to the public and the environment from exposure to hazardous substances. Staff scientists conduct chemical analysis, support regulatory programs, develop analytical methods, and conduct studies related to environmental fate and transport of chemicals.

## **Accomplishments**

### **1. Updating Analytical Capabilities**

- DTSC installed a new chromatographic data system in its hazardous materials laboratory.
- DTSC completed the new chromatographic data system and began converting from the outdated data management system to a new laboratory information management system. The new system will improve the capabilities of DTSC to store and retrieve lab reports as well as to generate sample-related reports.

2. **Laboratory Consolidation:** DTSC continued coordinating with the Departments of General Services and Finance on plans to consolidate the Berkeley laboratories in the Berkeley regional office facility. Many laboratory staff and assets currently reside in a Department of Health Services building in downtown Berkeley that is slated for demolition in 2003.

3. **Reactive Hazardous Waste:** DTSC completed compiling guidance and test methods for reactive hazardous waste, including guidance and test methods for cyanide- and sulfide-containing waste that may generate toxic or lethal amounts of hydrogen cyanide or hydrogen sulfide.

4. **Persistent Organics in Animals:** DTSC completed the first phase of measuring polychlorinated biphenyls (PCB), polybrominated diphenyl ethers (PBDE), and dioxins in birds. These chemicals tend to accumulate in animals and humans, and the scientific evaluation of their potential health effects is ongoing. This task was sponsored by the U.S. Department of Fish and Wildlife.

5. **Dioxins in Agricultural Soils:** DTSC began analyzing dioxins in agricultural soils to assess the impact of fertilizers and soil amendment, a project funded by the Department of Food and Agriculture.
6. **National Standards Audit:** DTSC began ongoing audits of contract laboratory data for contract compliance and data quality.
7. **National Standards for Sampling and Field Measurement:** The DTSC hazardous materials laboratory led the development and adoption of uniform national standards for field activities in the National Environmental Laboratory Accreditation Conference in July.
8. **Data Quality Review:** DTSC conducted training on the review of laboratory reports, including problems related to laboratory uncertainty and potential data quality problems.
9. **Data Quality Objectives:** DTSC continued implementing the data quality objectives process in corrective actions and waste classification projects.
10. **Uniform National Standards for Audit:** Hazardous materials lab completed data audits for its contract labs using contract requirements and standards from the National Environmental Laboratory Accreditation Conference.

## Priorities

1. **Updating Analytical Capabilities:** DTSC will configure, test, and begin using a new laboratory information management system to provide access to a database of laboratory data.
2. **Screening-Level Testing Guidance:** DTSC will revise guidance for laboratories on testing for substances at the screening levels on completion of scientific peer review of SB 32 (Escutia, Chapter 764, Statutes of 2001) risk-based screening levels.
3. **Guidance on the Use of Innovative Field Measurement:** DTSC will contribute to guidance developed by the Interstate Technology Regulatory Council on more efficient and more flexible field measurement activities.
4. **Persistent Organics in Animals:** Sponsored by the U.S. Department of Fish and Wildlife DTSC will complete the second phase of measurements of PCBs, PBDEs, and dioxins in birds.
5. **Dioxins in Agricultural Soils:** DTSC will complete analyzing dioxins in agricultural soils to assess the impact of fertilizers and soil amendments in this project funded by the Department of Food and Agriculture.
6. **National Standards:** DTSC will assist in the creation of uniform national standards in the new Institute for National Environmental Laboratory Accreditation.

7. **Data Quality Review:** DTSC will train staff on reviewing laboratory reports, including laboratory uncertainty and potential quality problems.
8. **Persistent Bioaccumulative Toxic Substances**
  - Persistent Organics in Shorebirds. DTSC completed Phase I analysis for PCBs, PBDEs, and dioxins in eggs of shorebirds from the San Francisco Bay Estuary.
  - Trends in Fish Contamination. DTSC also completed the analysis of dioxins and PCBs in fish from California coastal waters (funded by U.S. EPA and the State Water Resources Control Board).
  - Dioxins in Agricultural Soils. DTSC completed the analysis of dioxins in agricultural soils to assess the impact of fertilizers and soil amendments (funded by the Department of Food and Agriculture).
  - PBDEs in Human Breast Milk. DTSC was awarded a pollution prevention grant from U.S. EPA to measure PBDEs in breast milk from mothers in selected California communities.
9. **Verification of Field-Testing for Former Drug Labs:** In conjunction with the site mitigation program and OEHHA, immunoassay testing was completed for the verification of a commercially available immunoassay for methamphetamines.

## ***Pollution Prevention***

The pollution prevention and technology development office addresses hazardous waste source reduction and environmental technologies through statewide leadership, demonstration projects, and technology evaluations. The office assists technology developers, local government, and regulatory agencies. All accomplishments and priorities for this office appear under “Areas of Emphasis” beginning on page 50.

## ***Technology Development***

DTSC’s technology development program evaluates new technologies to treat, recycle, clean up, reduce, or eliminate hazardous waste at its source. DTSC scientists and engineers evaluate new technologies so developers can bring their ideas to market. Through demonstration projects, data analysis, and life cycle assessments, the DTSC environmental technology program provides support to other DTSC programs. The performance evaluation reports provide objective information on innovative environmental technologies to the regulated community, potential buyers and users, other research interests, consultants, permitting entities, and other stakeholders. Because of California’s fiscal crisis, some technology development resources within DTSC will be redirected to higher priority work.

## Accomplishments

1. **Soil Vapor Extraction Off-Gas Treatment:** DTSC worked with the UC Davis and other stakeholders to complete a study on technologies for treating vapors and gases from soil vapor extraction wells. With DTSC funding, UC Davis created a Web site accessible to the public that presents the results of that study. The Web site also has information and links to issues related to selecting and implementing common and alternative off-gas treatment technology at soil vapor extraction sites.
2. **Technology Verification/Certification:** Due to limited resources, DTSC is not accepting any more applicants for certification but is completing its commitment to existing applicants. In the future, DTSC will focus technology evaluation and demonstration efforts to support regulatory programs as described under priorities.
  - Lithium meta-tungstate. DTSC completed and submitted to U.S. EPA for review the verification report on lithium meta-tungstate, a dense aqueous salt solution that can replace the use of hazardous halogenated solvents currently used for mineral separation tests.
  - Ion exchange regeneration system. In August 2002, DTSC certified the Hydromatix ion exchange column regeneration system and had the evaluation report and verification statement posted on U.S. EPA's Environmental Technology Verification Web site.
  - Onboard oil management system. DTSC completed field-testing for PuraDYN's onboard oil management system. This is a bypass engine oil filtration system that extends the intervals between oil changes, reducing the need for new oil and radically lowering the generation of waste oil.
  - Benthic flux sampling device. Staff will complete an evaluation of the U.S. Navy's benthic flux sampling device for determining the migration of polycyclic aromatic hydrocarbons into and out of marine sediments. This effort was "on hold" until the Navy recently secured the necessary funding to complete the project. The U.S. Navy is preparing a summary of the results from the latest round of testing.
  - Vegetable oil-based transformer oils. DTSC completed the evaluation reports and verification statements for two companies, ABB, Inc. and Cooper Power Systems, and posted them on U.S. EPA's Environmental Technology Verification Web site. DTSC certified the ABB, Inc., a vegetable oil-based transformer oil technology, in August. Cooper Power Systems requested that DTSC complete the certification process for their product.
3. **In-Situ Bioremediation Technology:** DTSC completed the in-house survey of five full-scale site cleanup projects using in-situ bioremediation. DTSC is developing a database containing information on the sites such as site description, hydrogeology contaminants, contaminant concentration, remediation technology type, and points-of-contact to facilitate appropriate and effective use of this technology.

## Priorities

### 1. Technology Verification/Certification

- Onboard Oil Management System. DTSC will produce the evaluation report for PuraDYN's onboard oil management system in spring 2003.
- Benthic Flux Sampling Device. DTSC will review that data in conjunction with data from earlier studies, prepare a final report, and publish a certification decision.

2. **Drum-Top Fluorescent Lamp Crushers:** Staff is providing technical assistance to the DTSC hazardous waste management program to evaluate the performance of three different drum-top fluorescent lamp crushers currently on the market. U.S. EPA funds this project. DTSC will perform testing and analysis, and will use the data collected from this demonstration to develop a nationwide guidance document on the operation of these units.

3. **CerOx Advanced Oxidation Technology:** Staff will assist the DTSC hazardous waste management program to develop a conditional variance for operation and testing of the CerOx technology at UC Irvine to treat specific on-site waste streams. DTSC will work with UC Irvine and CerOx representatives to develop a test plan to assess emissions levels and effluents from treatment of these waste streams. This evaluation will ensure that the CerOx system can be operated safely and effectively.

4. **In-Situ Bioremediation Technology:** DTSC will prepare a technical report summarizing the survey results, including case studies of several selected sites.

5. **Dense Non-Aqueous Phase Source Zone Treatment Technologies:** DTSC will complete a survey of California facilities that use treatment technologies to remediate the source zone of sites contaminated with chlorinated solvents and other dense non-aqueous phase treatment technologies. DTSC will prepare a technical report summarizing the survey results.

6. **Clearwater Systems:** DTSC will develop a field test plan for a comprehensive evaluation of the Clearwater Systems' non-chemical technology for treating cooling tower water. DTSC will review existing data from historical practices at several cooling tower operations that utilized chemical reagents, evaluate the life-cycle benefits of the Clearwater Systems technology, and initiate long-term field tests at several cooling towers. The California Energy Commission will evaluate relative energy usage for this technology, which DTSC will use in its life-cycle assessment.

## Registered Environmental Assessors (REA)

On January 1, 2003, the registered environmental assessor program will move to DTSC from the environmental health hazard assessment office. The program manages a registry of individuals who, based on their education, employment, and environmental assessment experience, carry out specified environmental assessment activities. The REA I is the basic level of registration for individuals

possessing two to five years of environmental assessment experience. Many have a degree in a biological or physical science, engineering, or law. The REA II is an advanced registration for professionals having at least eight years of environmental management experience. All possess degrees in a biological or physical science, or in engineering. Each REA II has at least four years of experience directing site investigation or cleanup projects during the past six years. REAs need to be registered so that large and small businesses can locate and hire a professional with a minimum standard of expertise to protect the consumer and business owner.

**Cal/EPA Goal 4:** Communities free from unacceptable human health and ecological risks due to exposure from hazardous substances and other potential harmful agents.

**Cal/EPA Goal 5:** Reduce or eliminate the disproportionate impacts of pollution on low-income and minority populations.

### **DTSC Strategic Objectives:**

Establish and implement protective and consistent cleanup programs and standards that can serve as a model for California and the nation.

Ensure that we identify sites and prioritize our actions so that hazardous substances sites that are of the greatest impact to public health or the environment are characterized and remediated expeditiously.

Restore contaminated sites to beneficial use in a manner that protects public health and the environment.

Reduce, if not eliminate, disproportionate effects of pollution on low-income and minority populations.

Ensure DTSC's resources are focused on its highest priorities and core competencies.

### **Priorities**

1. **Completely Transfer the Program, Staff and Assets to DTSC:** The registered environmental assessor program has various tangible and intangible assets that DTSC will absorb into its assistant director's office. DTSC will change REA regulations, brochures, forms, etc. to reflect this change.
2. **Establish Performance Standards for Registered Environmental Assessors:** The legislation moving the program to DTSC requires the department to establish minimum performance standards for the registrants by July 2003.
3. **Finalize Private Site Management Standard Regulations:** The DTSC site mitigation and brownfields reuse program will issue final regulations concerning the private site management program. Those regulations require that REA IIs conduct small, low-threat site cleanups that are

undertaken without full DTSC oversight. DTSC anticipates that the regulations will allow more of those small sites to be cleaned up quickly, returning the property to reuse.

## External Affairs

Translating scientific and technological ideas, concepts, and language into everyday language is of vital importance so that the varied audiences of DTSC can readily understand the environmental world in which we live. The Office of External Affairs (OEA) communicates with community members, regulated businesses, community groups, media, other governmental agencies, and children. OEA is an outreach program for public participation, public information, education and outreach, environmental justice, and Web site coordination.

**Cal/EPA Goal 4:** Communities free from unacceptable human health and ecological risks due to exposure from hazardous substances and other potential harmful agents.

**Cal/EPA Goal 5:** Reduce, if not eliminate the disproportionate impacts of pollution on low-income and minority populations.

### DTSC Strategic Objectives:

Strive for the broadest possible public involvement in site and facility decisions.

Ensure that the broadest range of environmental information is understandable, available, accessible, and useful.

Reduce, if not eliminate, disproportionate effects of pollution on low-income and minority populations.

### Priorities

1. **Outreach Program:** DTSC will develop a comprehensive outreach strategy for communities, legislators, educators, and the media. This strategy will be designed to build confidence in the DTSC decision-making process and increase understanding of DTSC and its mission, processes, and goals.

## Public Participation

The DTSC public participation program engages citizens affected by contaminated property with decision-makers and gives them a meaningful voice in the cleanup process. Public participation specialists give the public the opportunity to become informed and to actively participate in the process. This program is nationally recognized as the most proactive example of its type for citizen involvement. Its accomplishments and priorities appear in the Public Participation and Environmental Justice section of “Areas of Emphasis” beginning on page 54.

## ***Public Information***

The DTSC public information office develops and oversees special projects designed to articulate the mission of DTSC policies and programs, coordinates DTSC events with community members and elected officials, and assists with the DTSC mentor program. The public information office ensures that DTSC records are appropriately available to the public by overseeing responses to Public Records Act requests.

### **Accomplishments**

1. **Media Days:** DTSC planned and conducted site-specific “media days” at 15 sites to provide reporters with background information and opportunities for interviews on scientifically complicated subjects.
2. **Links on the DTSC Web Site:** DTSC established links to provide the public with more access to resources for developing accurate background via the DTSC Web site.
3. **Developmental Assistance for Mentor Program:** DTSC developed an independent DTSC mentorship program, supporting the Governor’s initiative.

### **Priorities**

1. **Trade and Professional Journals:** DTSC will enhance relationships with trade, professional, and Internet-produced publications to increase understanding of DTSC programs and policies.

## ***Education and Outreach***

The DTSC education and outreach office organizes education events and distributes environmental education materials to the public, especially school districts, teachers, parents, students, and the environmental industry. The education and outreach office manages the DTSC mentor program including recruitment, orientation, training, monitoring, and evaluation. It also manages the material placed on the DTSC Web site, develops internal and external documents and publications, and oversees environmental justice.

### **Accomplishments**

1. **Earth Day Outreach:** DTSC produced coloring and activity books about environmental issues and Earth Day activities in English and Spanish for greater outreach to children.
2. **DTSC Mentor Program:** DTSC created its own volunteer mentor program by recruiting and training interested staff in each of the regional offices so that employees could be matched with children at local schools.



## Priorities

1. **Environmental Education Web Page:** The education and outreach program will develop a specialized Web page to provide information and activities for students and adults and work collaboratively with Cal/EPA on environmental education projects.
2. **DTSC Mentor Program Evaluation:** DTSC will assess the success of its volunteer mentor program throughout the state by surveying its participants and assessing behavioral changes in the protégés during the school year.
3. **Intensified Planning for Earth Day, April 2003:** Based on feedback from Earth Day 2002 participants, the education and outreach office upgraded its plans for the next Earth Day to include a new exhibit highlighting environmental education.

## Environmental Justice

Environmental justice is equal application of environmental protection for all citizens and communities without regard to race, national origin, or income. Its accomplishments and priorities appear in the Public Participation and Environmental justice section under “Areas of Emphasis” beginning on page 54.

## Informational Technology and the Internet

Informational technology is the application of science and communication for DTSC to communicate with its external and internal audiences on an ongoing basis. The DTSC Web site receives more than 150,000 hits per month from people needing to obtain information and remain connected to the work of DTSC.

**Cal/EPA Goal 7:** Continuous improvement and application of science and technology.

**Cal/EPA Goal 8:** An efficient Cal/EPA in pursuit of its mission.

### DTSC Strategic Objectives:

To ensure the broadest range of environmental information is understandable, available, accessible, and useful.

To support staff with appropriate, well-communicated administrative services.

To understand, anticipate, and meet program needs for space, equipment, training, and information.

## Accomplishments

1. **E-Government:** DTSC launched its legislatively mandated hazardous waste tracking system in March 2002 as scheduled. DTSC converted and downloaded to the new system more than 14 million hazardous waste handler and manifest data records dating back to 1983. DTSC activated the Internet operations in July, providing the public with 10 sophisticated query-based reports on

facility and manifest records dating from 1993. It allows local, State, and federal government staff to secure access to a more comprehensive array of reports through the Internet. DTSC staff trained about 350 local and federal governmental staff on these reports from July to November.

2. **Regulatory Databases:** DTSC developed two regulatory database enhancements to the hazardous waste tracking system. These include inspection, complaint, enforcement, and hazardous waste permit databases. DTSC successfully converted and loaded into the new inspections database all data-related inspection, complaint, and enforcement activities by June 2002. This allows DTSC to track and report more effectively on those activities. DTSC contractors completed the permitting portion of the project in early July; however, late-occurring data and design problems have delayed its implementation.

## Priorities

1. **E-Government Web Site:** DTSC will continue to expand its Web site to provide the regulated community and other stakeholders with timely information and opportunities to conduct various transactions electronically. Staff will identify and post to the DTSC Web site frequently requested publications and forms to allow stakeholders constant access to these documents.

## Terrorist Response and Disaster Preparedness

DTSC has existing emergency response duties, regulatory authority, and a staff of scientists with expertise to address the statewide response to the threat of terrorism.

**Cal/EPA Goal 1:** Air that is healthy to breathe, sustains and improves our ecosystems, and preserves natural and cultural resources.

**Cal/EPA Goal 2:** Rivers, lakes, estuaries and marine waters that are fishable, swimmable, support healthy ecosystems, and other beneficial uses.

**Cal/EPA Goal 3:** Groundwater that is safe for drinking and other beneficial uses.

**Cal/EPA Goal 4:** Communities free from unacceptable human health and ecological risks due to exposure from hazardous substances and other potential harmful agents.

### DTSC Strategic Objectives:

Monitor California's hazardous waste storage, treatment, and landfill capacity to manage all its hazardous waste in a safe and efficient manner.

Understand, anticipate, and meet program needs for space, equipment, training, and information.

## Accomplishments

1. **Manifest Discrepancies Regulations:** The DTSC hazardous waste management program produced the first set of regulations in the State to deal with anti-terrorism after September 11,

2001, when it produced emergency regulations governing the reporting of hazardous waste manifest discrepancies. Under the new provisions, hazardous waste facilities receiving wastes from off-site locations must report unresolved priority manifest discrepancies to DTSC within 24 hours. Additionally, the facilities must follow up by submitting a written notification within five days after discovery of the unresolved priority discrepancy. The regulations, which became effective April 4, 2002, implement more stringent requirements for the reporting of manifest discrepancies involving waste that hold potential for uses as weapons of terror. The new requirement applies to wastes that are explosive or poisonous as classified by the U.S. Department of Transportation hazard divisions 1.1 through 1.6, and hazard division 6.1. DTSC notified U.S. EPA that these regulations are in effect and has suggested that similar amendments be made to the corresponding federal regulations.

2. **Transporter Driver Information:** The DTSC hazardous waste management program required all registered hazardous waste transporters to submit the names of all drivers under their employment. DTSC used its Web site to register these hazardous waste transporter drivers, simplifying the effort for the transporters and facilitating data collection and processing. DTSC continues to receive updated driver information from transporters.
3. **Chemical Terrorism**
  - Cross-Agency Information Sharing. DTSC science, pollution prevention, and technology program staff participated with laboratories of the Department of Health Services in a chemical terrorism exercise to test protocols for the analysis of chemical terrorism samples. Laboratory staff collaborated with other Cal/EPA agencies to request federal funds for mobile laboratory resources.
  - Research on Chemical and Biological Threats. DTSC participated with the Office of Emergency Services, laboratory representatives from other State agencies, and with Lawrence Livermore National Laboratory to research the latest technology for monitoring chemical and biological agents.
  - Emergency Response. DTSC began a validation report for a Hapsite gas chromatograph/mass spectrometer that has application in emergency response, including chemical terrorism response.
4. **Office Disaster Preparedness Plans:** DTSC adapted the standardized emergency management system for use in its office disaster preparedness plans in April and May 2002, when each of the regional offices received mandatory one-day training. Out of that training, office disaster management teams have formed and begun fully implementing the local plans.
5. **State Strategic Committee on Terrorism:** DTSC personnel continue to facilitate two terrorism-related work groups as part of the State strategic committee on terrorism. Under the sponsorship of the chemical subcommittee headed by the Office of the Secretary of Cal/EPA, the two work

groups deal with responding to hazardous material release and hazardous material transportation security. DTSC also participated in a request for federal homeland security funding.

## Priorities

### 1. Chemical Terrorism

- **Emergency Plan.** DTSC will complete an emergency plan for the DTSC hazardous materials laboratory to prepare and respond to chemical terrorism.
- **Validation Report.** DTSC will complete a validation report for a field portable gas chromatograph/mass spectrometer. The system has possible application in investigating former clandestine drug labs and in response to chemical terrorism.

### 2. Office Disaster Preparedness Plans:

DTSC will continue to fully implement its disaster response plans in the regional offices by conducting site-specific hazard assessments, procuring equipment and supplies, training staff, and exercising elements of the plan in an ever-increasing effort to be prepared for nearly any disaster.

### 3. Terrorism Legislation:

As required by SB 489 (Romero, Chapter 607, Statutes of 2002), DTSC will develop a regulatory listing of hazardous wastes of concern, based on their potential to harm the public in a terrorist or other criminal act. By July 1, 2003, the law requires DTSC to adopt a list including the minimum quantities for hazardous wastes that are required to be reported when missing. This list must include hazardous waste that DTSC determines requires special handling restrictions and requirements.

### 4. Background Checks:

DTSC will implement background checks and disclosure statements for transporters and facilities handling hazardous wastes of concern.

# **CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD**

ACCOMPLISHMENTS & PRIORITIES: July–December 2002

# California Integrated Waste Management Board

The mission of the California Integrated Waste Management Board (CIWMB) is to reduce waste, promote the management of all materials to their highest and best use, and protect public health and safety and the environment, in partnership with all Californians.

The CIWMB developed the following strategic goals within the context of Cal/EPA's strategic vision. The board supports and actively seeks to implement the goals and objectives included in the vision.

**CIWMB Goal 1:** Promote environmentally sound and financially viable waste prevention and materials management practices among all actors in the life cycle of products and services. The intent of this goal is to promote waste prevention, product stewardship, and resource conservation practices. It supports the following objectives in Cal/EPA's Strategic Vision goals 6 and 8: creating a plan for a sustainable California, encouraging personal and corporate responsibility through increased education and outreach, promoting the implementation of environmental management systems, and developing and using meaningful environmental performance indicators.

**CIWMB Goal 2:** Assist in the creation and expansion of sustainable markets to support diversion efforts and ensure that diverted materials return to the economic mainstream. This goal is directly tied to Cal/EPA's vision of preventing pollution and developing a sustainable California by returning valuable materials into the economic mainstream rather than wasting them in landfills. CIWMB efforts in this area support the objectives under Cal/EPA goals 1–3 and 5–8 as follows: promoting a green California State government; promoting commercialization and use of effective practices, products, and technologies that benefit the environment; tackling cross-media air, water, and energy issues; and encouraging personal and corporate responsibility.

**CIWMB Goal 3:** Educate the public to better understand and participate in resource conservation and integrated waste management strategies. CIWMB activities under this goal support goal 8 of the Cal/EPA Strategic Vision by focusing on expanding accessibility of information to the public through the Internet and expanding communication and training efforts.

**CIWMB Goal 4:** Manage and mitigate the impacts of solid waste on public health and safety and the environment and promote integrated and consistent permitting, inspection, and enforcement efforts. This goal supports Cal/EPA goals 4–5 and 7–8 by ensuring compliance with the law; defining and building the CIWMB's approach to integrated permitting, inspection, and enforcement; expanding components for education, outreach and assistance; increasing efforts to prevent or clean up pollution from inactive, illegal, or abandoned sites; building a higher level of technology and science-based decision; and working to ensure that communities are free from unacceptable human health and ecological risks.

**CIWMB Goal 5:** Improve the efficiency and effectiveness of the California Integrated Waste Management Board in pursuit of its mission. This goal supports Cal/EPA's Strategic vision through goal 8 by focusing on leadership, innovative information management, and organizational management, as well as cross-media and cross-organizational communication and collaboration.

**CIWMB Goal 6:** Continuously integrate environmental justice concerns into all of the Board's programs and activities, including administrative and budgetary decisions. CIWMB activities in this area support Cal/EPA's goal 6 through participation in Cal/EPA's environmental justice internal advisory group and the staff-level working group. The board is also assessing its programs and activities to devise a strategy to address environmental justice issues, and to incorporate input from all affected stakeholders, communities, and interested parties.

**CIWMB Goal 7:** Promote a "zero-waste California" where the public, industry, and government strive to reduce, reuse, or recycle all municipal solid waste materials back into nature or the marketplace in a manner that protects human health and the environment and honors the principles of California's Integrated Waste Management Act. This goal supports Cal/EPA goals 4–8, including promoting the development, commercialization, and use of effective environmental techniques and technologies; ensuring that environmental impacts for all media are considered in environmental policy and management decisions; creating a plan for a sustainable California; and expanding and improving cross-media communication and collaboration.

## **Energy**

In light of California's ever-demanding energy situation, the CIWMB has targeted conversion technologies as a mechanism that will not only reduce the overall volume of unused organic materials sent to local landfills, but also provide a new source of fuel for generating electricity in California. This increase in energy production and the development of other emerging technologies and landfill-to-gas generation will aid in California's energy diversification goals.

**Cal/EPA Goal 6:** Ensure the efficient use of natural resources.

**Cal/EPA Goal 7:** Continuous improvement and application of science and technology.

**Cal/EPA Goal 8:** An efficient and effective Cal/EPA in pursuit of its mission.

## **Priorities**

1. **Conversion Technologies:** Conversion technology includes different controlled processes—including heat and pressure, liquids, and anaerobic decomposition—that alter organic materials into reusable and beneficial products, such as energy and chemicals. Following enrollment of AB 2770 (Matthews, Chapter 740, Statutes of 2002), staff began planning a set of interrelated activities to meet these requirements. This includes development of the following scopes of work for a request for proposals and several interagency agreements that will be brought to the board for consideration beginning in January 2003: 1) request for proposals for analyses of life cycle

environmental impacts and financial/economic impacts of developing conversion technologies in California; 2) interagency agreement with UC Riverside and UC Davis campuses, for technical descriptions and evaluation of different conversion technologies; 3) interagency agreement with University of California Office of the President for required peer review; 4) interagency agreement with the Office of Environmental Health Hazard Assessment (OEHHA) for initial risk assessment on emissions data; 5) interagency agreement with Air Resources Board for review of financial/economic analysis methodology. In addition, informal public workshops on permitting of conversion technologies will be held, and the board will continue working with the Office of Planning and Research on renewable energy and alternative fuel production financing opportunities.

### ***Cross-Media Initiatives***

Historically, federal, State, and local environmental agencies have been organized on the basis of a single environmental medium—such as air, water, and land. By fostering cross-media coordination, we can pioneer innovative solutions and reap long-term benefits for the environment. By partnering with local government, private businesses, and product manufacturers, we can further promote and exercise product stewardship, address environmental justice, minimize pollution and waste generation, and safely manage unavoidable discards.

**Cal/EPA Goal 2:** Rivers, lakes, estuaries, and marine waters that are fishable, swimmable, support healthy ecosystems and other beneficial uses.

**Cal/EPA Goal 3:** Groundwater that is safe for drinking and other beneficial uses.

**Cal/EPA Goal 5:** Reduce or eliminate the disproportionate impacts of pollution on low-income and minority populations.

**Cal/EPA Goals 7 and 8**

### **Accomplishments**

1. **E-Waste and Product Stewardship:** The CIWMB continued to represent State and local interests in negotiations coordinated by the National Electronics Product Stewardship Initiative (NEPSI) for a system to finance the economically and environmentally sound end-of-life management of electronic products. In support of this effort, the CIWMB summarized the information gathered through two local government workshops held in late May and compiled the results of a local government survey analyzing e-waste management cost and service concerns. The CIWMB also responded to the veto of e-waste legislation (SB 1523, Sher; and AB 1619, Romero) that would have established a fee on all cathode ray tubes (CRT) sold in the state. With the Department of Toxic Substances Control and the Office of the Secretary, CIWMB jointly hosted an all-day forum of stakeholders to begin mapping out solutions to the continuing electronic discards management challenge. CIWMB also sponsored a stakeholder comment



session on the developing “Guidelines for the Procurement, Use and End-of-Life Management of Electronic Equipment” project.

## 2. **Nonpoint Source Pollution**

- CIWMB staff participated in numerous meetings, workshops, and trainings to increase coordination between government agencies to reduce nonpoint source pollution. Participating agencies included the Urban Pesticide Committee, Arcade Creek Watershed Committee, Water-Wise Pest Control Program, Sacramento River Watershed Program, Sacramento County Master Gardeners, Regional Water Authority, Department of Water Resources, and the interagency coordinating committee of the State Water Resources Control Board (SWRCB).
- CIWMB provided the SWRCB with a detailed summary of its activities related to reducing nonpoint source pollution. The summary will be included in the State’s five-year nonpoint source pollution program plan.

## 3. **Landscape Management Outreach Programs**

- Worked with City of Sacramento staff to implement activities required for meeting the pollution prevention objectives of the North Natomas Landscape Management Outreach Program, which is funded by a U.S. Environmental Protection Agency (U.S. EPA) grant. Major accomplishments include: completing final draft of the Landscape Plant Guidelines which will be used in all newly planted landscapes in North Natomas, promoting the use of resource-efficient landscape management practices at several local landscaper educational events, and developing the support and promotional components for the “Focus on Natomas” homeowner outreach campaign.
- Landscape training was provided to Department of General Services’ staff in September as part of the Capitol Park Resource Efficient Landscaping Project. Training manuals on irrigation, fertilization, integrated pest management, and tree pruning were also developed and provided to them.
- Staffed a CIWMB landscape outreach booth at the Pesticide Applicators Professional Association (PAPA) seminars in Sacramento (September and December) and at the Southern California Turfgrass Council trade shows in Pomona (October) and Buena Park (December).
- CIWMB staff made presentations on reducing green waste in urban landscapes at PAPA seminars in Hayward (October) and San Jose (December) and at the Northern California Turf and Landscape Council Field Day at Bonfante Gardens in Gilroy (September).

4. **Environmental Justice:** The 2002–03 Used Oil Block Grant required that local government grantees must comply with environmental justice principles. CIWMB staff also included environmental justice principals in the terms and conditions and the scoring criteria of the Used

Oil and Household Hazardous Waste competitive grant cycles. In addition, the CIWMB approved a contract to develop an environmental justice guidance document for local government used oil and household hazardous waste programs. This contract is designed to identify service gaps to minority communities and provide a tool kit to enhance local government program delivery. The final report will be completed in January 2004.

5. **Landfill Study:** The CIWMB's contractor, GeoSyntec Consultants, completed task 2 of the study—a comprehensive, cross-media inventory of more than 230 municipal solid waste (MSW) landfills. To verify that the information contained in the database was accurate, the database was provided to landfill owners/operators and regulators for review and comment prior to completion. The contractor has also completed an initial draft report on emerging technologies that could, if applied, possibly improve California's multimedia regulation of municipal solid waste (MSW) landfills (task 7).
6. **Universal Wastes:** CIWMB and DTSC initiated a new project to address universal wastes (u-waste) other than cathode ray tubes (CRT). Goals include minimizing generation and developing a sufficient collection and recycling infrastructure for wastes generated prior to the February 2006 sunset of current exemptions for landfill disposal. This project is being conducted under the general auspices of Cal/EPA's innovation for sustainability program. Program staff, along with representatives from OEHHA and Cal/EPA, began meeting in November to develop objectives, work plans, and initial analyses of feasible outcomes/activities for different products within the universal waste arena.

## Priorities

1. **Landfill Study:** The CIWMB's contractor continues to work on the landfill study. Upcoming work includes completing a statistical assessment of the comprehensive inventory to determine MSW landfill environmental performance for the period January 1998 through December 2001 (task 3); completing the assessment of current State regulatory effectiveness in protecting the environment for the short and long terms by gathering detailed data on more than 50 MSW landfills (task 4); analyzing the detailed data to assess regulatory effectiveness over time (task 5); completing the task 6 evaluation of MSW regulations of other states and countries for possible improvements to California's regulations; and, completing the task 7 analysis of emerging technologies that could possibly improve California's regulatory program.
2. **Stormwater Pilot Program:** As directed by the CIWMB, staff researched methods and programs to cost-effectively use oil grant funds. The funds should be used to collect and recycle or dispose of oil and oil byproducts from stormwater without compromising "core" used oil collection and recycling efforts. Staff reviewed specifications and existing literature on stormwater cleanup devices and programs. The CIWMB approved a contract concept for this effort in October. A scope of work and contract award will be brought to the board in January 2003. This information from the contract may be used to establish new criteria for subsequent competitive grant awards.

and to refine requirements for use of block grant monies for stormwater-related devices and programs.

3. **E-Waste and Product Stewardship:** The CIWMB will continue to represent State and local interests in negotiations coordinated by NEPSI for a system to finance the economically and environmentally sound end-of-life management of electronic products. The CIWMB will also monitor the progress of newly introduced legislation (SB 20, Sher) intended to ensure that funds are available to assist cities, counties, and recyclers of electronic wastes in developing programs to safely collect and recycle the hazardous materials contained in electronic wastes as well as to promote the refurbishment and reuse of electronic equipment for use by schools and nonprofit agencies. This legislation is expected to raise the level of discussion surrounding the concept of product stewardship to new heights. The CIWMB will also finalize and begin promoting through appropriate training venues the “Guidelines for the Procurement, Use and End-of-Life Management of Electronic Equipment,” which are intended to provide State agencies with information to minimize the environmental impact of electronic products.

#### 4. **Nonpoint Source Pollution**

- Continue to work with the Urban Pesticide Committee, Arcade Creek Watershed Committee, Water-Wise Pest Control Program, the Sacramento River Watershed Program, the interagency coordinating committee of SWRCB, Department of Water Resources, City of Sacramento, California Urban Water Conservation Council, Regional Water Authority, Sacramento Urban Creeks Council, Sacramento County Master Gardeners, and other organizations to educate the public on proper landscape practices to reduce nonpoint source pollution.

As part of its external funding partnership program, CIWMB staff continues to seek out funding for two partnership projects in the areas of erosion control/water quality in Napa and Nevada County respectively. Section 319 Clean Water Act funds have been targeted for funding for these projects, and staff is waiting for a decision by the SWRCB on a submitted application for the Napa project. The Napa project involves exploring the use of composted mulches for erosion control and water retention on hillside vineyards, while the Nevada County project proposes to look at reforestation of hydraulically mined areas using composts made from locally derived biosolids and green waste.

#### 5. **Landscape Management Outreach Programs**

- CIWMB will continue to work with City of Sacramento staff on the North Natomas landscape management program to obtain approval from the city planning commission to implement the use of the landscape plant guidelines on all newly planted North Natomas landscapes. Board staff will conduct a baseline survey of area residents to evaluate the effectiveness of the “Focus on Natomas” homeowner outreach campaign. CIWMB will participate in several more professional landscaper educational events to promote the use of

- resource-efficient landscape management practices and pollution prevention goals of the program.
- Work with the Department of General Services (DGS), Waste Management Inc., and the Department of Water Resources to implement a mulch demonstration project at Capitol Park and to improve landscaping practices at the park.
  - Work with the Building Owners and Managers Association, Community Associations Institute, and other community and homeowner associations to encourage their members to adopt resource-efficient landscaping practices.
  - Staff the CIWMB landscape outreach booth at major trade shows to encourage the use of sustainable landscape practices.
6. **Universal Wastes:** CIWMB and DTSC will continue to develop analyses of feasible outcomes/activities for universal wastes, begin planning an initial stakeholders meeting tentatively scheduled for spring 2003, and begin developing a background paper for the stakeholders meeting.
  7. **Driving Green:** CIWMB will work with DTSC to expand the department's training program for auto repair shops. The fleet manager training contract that will be considered by the board in early 2003 might be used in support of this effort. CIWMB used oil program staff also will consider other funding opportunities related to the driving green task force effort.

## Loans/Grants

CIWMB uses a variety of funding opportunities to assist public and private entities in the safe and effective management of the waste stream. Grant and loan programs support public education, waste reduction, market development, load checking, household hazardous waste or special waste collection, recycling, and reuse projects.

**Cal/EPA Goal 4:** Communities that are free from unacceptable human health and ecological risks due to exposure from hazardous substances and other potential harmful agents.

### Cal/EPA Goals 7 and 8

## Accomplishments

1. **Household Hazardous Waste (HHW) Grants:** The fiscal year 2002–03 grant cycle was awarded at the August CIWMB meeting. The CIWMB awarded \$3 million in grants. Program scoring criteria emphasized HHW collection in rural areas or small cities and underserved populations. Additional program scoring criteria emphasized expansion of existing programs to initiate new HHW programs to include electronic waste (e-waste) collection and u-waste or paint.

2. **Used Oil Block Grants:** The fiscal year 2002–03 Used Oil Block Grants were awarded at the July CIWMB meeting. More than \$15 million was awarded on a non-competitive basis to California cities and counties based on population to implement used oil and filter collection programs. A new eligible cost was identified for stormwater mitigation activities. At its December board meeting, the CIWMB approved changes to the block grant program to improve administrative efficiency and reduce burdensome reporting requirements on grantees. These changes should result in more effective local used oil collection programs.
3. **Enforcement Assistance Grants:** The local enforcement agencies received \$1.5 million through this grant program to carry out solid waste facilities permit and inspection programs. The agencies spend the funds on equipment, training, and other program support.
4. **Recycling Market Development Zone (RMDZ) Loans:** The board appropriated \$10 million for new RMDZ loans in fiscal year 2002–03. In addition, \$2 million is available from the Tire Fund for loans to new tire recycling projects. The board approved nine RMDZ loans totaling \$5.7 million, plus one Tire Fund loan of \$370,000. An outside contractor identified two primary leveraging options to secure long-term funding for the RMDZ loan program. One option recommends that the board participate in the State loan guarantee program; the second recommends that the board sell RMDZ loans.

## Priorities

1. **Reuse Assistance Grants:** The CIWMB will be soliciting and evaluating proposals for a special joint offering of reuse assistance grants. By combining the allocated funds of two fiscal years, staff will maximize the distribution of funds with a minimum of administrative processes. A total of \$500,000 should be available for distribution to approximately 10 grantees in late spring and early summer of 2003 to support the development of reuse infrastructures at the local level.
2. **RMDZ Loans:** With the help of the nonprofit Financial Development Corporations, staff will prepare an implementation plan for the board to participate in the State loan guarantee program. If the board approves the plan, staff will propose new regulations to implement this effort. New regulations are needed before recycling-based businesses can apply for private bank financing that is supported by a State loan guarantee. Staff will also prepare a public notice to solicit bids for the sale of RMDZ loans.
3. **Landfill Closure Loan Program:** AB 467 (Strom-Martin, Chapter 587, Statutes of 2002,) requires the CIWMB to create an interest-free landfill closure loan program for solid waste landfill operators who choose to close their older facilities early because of environmental problems associated with unlined landfills. The focus of the program will be on small, rural, unlined landfills. Loan priority will be given to operators of landfills that, if not closed, would create a potential threat to the public health, safety, or the environment. A maximum of \$500,000 will be available annually for this loan program.

4. **Used Oil Nonprofit Grant Award:** The fiscal year 2002–03 used oil nonprofit grant will be presented for award at the April 2003 board meeting. Approximately \$3.5 million is expected to be available for these grants to nonprofit organizations for used oil and used oil filter recycling projects. This grant cycle will be focused on applications that propose to do the following:
  - Use social marketing techniques to replace or supplement traditional media-based publicity and education methods to promote collection of used oil and/or filters.
  - Target an underserved population for the collection of used oil and/or filters.
  - Initiate a new program or support an existing program for collection of used oil and/or filters from one or more of the following: boaters, agricultural sources, or stormwater.
  - Initiate a new program or support an existing program for the purchase of re-refined oil and provide for continued and sustained re-refined oil availability in the target area after the grant period.
5. **Used Oil Research, Testing and Demonstration Grant Award:** The fiscal year 2002–03 research, testing and demonstration grant will be presented for award at the board's June 2003 meeting. Approximately \$2 million will be available on a competitive basis for grants for developing collection technologies and/or uses for recycled or used lubricating oil. Eligible applicants may include individuals, businesses, local governments, and other public agencies, nonprofit organizations, and colleges or universities. Projects definable in one of the categories listed below will be eligible for priority program criteria points.
  - Project develops a technique, process, market, or product not already available in California, which utilizes re-refined motor oil.
  - Project involves an independent third party technology evaluation of storm drain inlet filter devices relating to stormwater pollution from used oil.
  - Project furthers the development and effectiveness of equipment designed to recover oil from oily water.
  - Project proposes to develop a cost-effective field test kit for use in identifying polychlorinated biphenyls (PCB) in used motor oil.
  - Project proposes to develop a strategy and establish a pilot program for collecting used oil from independent truckers.

### ***Site Cleanup***

Cleaning up and preventing the illegal disposal of municipal solid wastes and tires is a continuing challenge for local government. Board-funded cleanup and enforcement grants provide additional

resources for cities and counties to remove threats to public health, safety, and the environment caused by these sites in urban and rural areas across California.

#### **Cal/EPA Goal 4**

### **Accomplishments**

1. **Solid Waste Cleanup Program:** CIWMB completed cleanups and remediations at the Sonoma Burn Dump; Vidal Junction illegal disposal site, San Bernardino County; and the Crevasse illegal disposal site, Los Angeles County.

### **Priorities**

1. **Closed, Illegal, and Abandoned Sites:** CIWMB continues to complete priority investigations of closed, illegal, and abandoned disposal sites for transfer to enforcement phase work. If appropriate, CIWMB provides referral for cleanup through the solid waste cleanup program.
2. **Farm and Ranch Cleanup Grant Program:** CIWMB plans to complete and release the notice of funds available in January or February 2003, implementing all provisions of SB 1328 (Chesbro, Chapter 628, Statutes of 2002). CIWMB will also continue outreach and project development for farm and ranch grant program cleanup projects.
3. **Solid Waste Cleanup Program:** CIWMB will continue outreach and project development for solid waste cleanup program projects.

### ***Integrated Education***

By providing curricula and hands-on training workshops to teachers on the topic of waste prevention, CIWMB is committed to creating environmentally literate students/citizens who are able to understand and balance economic interests and environmental sustainability. Promoting educational partnerships at the local level—and teaching respect for the environment and the value of conserving natural resources—are accomplished within the context of the California State education standards for grades K–12.

#### **Cal/EPA Goal 8**

### **Accomplishments**

1. **California Science Teachers Association (CSTA) Partnership:** The primary goal of the curricular-based composting unit is to provide 6th-grade students inquiry-type activities in order to discover how composting occurs. Students can then begin to practice composting at school or vermicomposting in the classroom. Field-testing this interactive unit by classroom teachers was completed and their comments for suggested changes are being processed. Teachers were particularly impressed with the alignment of the lessons to California State Content Standards for science, math, and language arts.

2. **Environmental Education:** The project team for SB 373 (Torlakson, Chapter 926, Statutes of 2001), now referred to as the School Diversion and Environmental Education Law (School DEEL), has developed a detailed work plan that identifies roles, responsibilities, and a timeline for completion of the project deliverables. The work plan was carried out in the second half of 2002 and will continue in early 2003. During the period of June to December, the Office of Integrated Environmental Education accomplished the following:
  - In September, the board approved the School DEEL implementation plan. The plan can be downloaded from [www.ciwmb.ca.gov/agendas/mtdocs/2002/09/00009095.doc](http://www.ciwmb.ca.gov/agendas/mtdocs/2002/09/00009095.doc).
  - In October, the board approved general scoring criteria for the Unified Education Strategy (UES) grant program. A copy of the criteria can be downloaded from [www.ciwmb.ca.gov/Agendas/](http://www.ciwmb.ca.gov/Agendas/) (select October Board Meeting, Agenda Item #62).
  - The notice of funding availability for the UES grant program was issued in December.
  - In December, the board approved a list of school districts selected to receive technical and financial support from the Environmental Ambassador pilot program. The list is downloadable from [www.ciwmb.ca.gov/Agendas/](http://www.ciwmb.ca.gov/Agendas/) (select December 2002 board meeting, Agenda Item #30).
3. **Cal/EPA Integrated Education Effort:** To achieve the unified education strategy contained in the School DEEL, the Office of Integrated Education will create an integrated, cohesive education program from the education efforts of Cal/EPA's boards, departments, and offices. A new education page has been designed and published on Cal/EPA's Web site with a direct link from the Cal/EPA home page. The education page includes a comprehensive look at what each Cal/EPA board, department, and office has to offer in the area of K–12 education products and services. The committee that worked on creating the education page will continue to meet periodically to identify other enhancements that can be made to the page and/or related pages so that it becomes a one-stop-shop for Cal/EPA customers.

## Priorities

1. **California Science Teachers Association (CSTA) Partnership:** Staff is incorporating teacher comments into the units and will format and prepare the final lessons for publication. When the units have been finalized, the CSTA will format and place the resources on the CSTA Web site and provide the material to CIWMB for publishing on its school-related Web pages.
2. **Environmental Education:** Implementation of the first elements of the School DEEL is now underway with two major projects: the Environmental Ambassador Pilot Program (EAPP) and the UES grant program. The EAPP is an effort to work with several school districts on existing campus resource conservation programs and/or environmental education instructional programs. The program will assist the districts in bringing their programs up to "model" status for possible replication by other school districts. The UES grant program is a competitive grant program being



offered to public school districts in California. The program is designed to offer funding to districts for a two-phase and two-year partnership with the board. The program includes audits of resources and practices in the areas of waste management, energy usage, and water systems on campus, followed by analysis of the findings and culminating in an implementation plan for improving campus practices. Phase two is for implementation of the plan. Districts selected for this grant program will receive financial and technical support from CIWMB, other governmental agencies (State and local), and other service providers and support resources.

3. **Cal/EPA Integrated Education Effort:** With reduced State resources, collaboration and integration of programs and priorities become even more critical. The Cal/EPA internal education team will devote the first part of 2003 to developing a joint education work plan to link common goals and projects and strategize cost-efficient methods to jointly achieve them. This work plan will be aligned to the Cal/EPA strategic plan, the California State Plan for Environmental Education, and the School DEEL.

## ***Waste Diversion/Waste Prevention***

By conserving resources through waste prevention, reuse, and recycling, local jurisdictions are closing in on California's 50 percent diversion goal. CIWMB is a leader in this effort, providing training and technical assistance, introducing model programs for food management and composting, and disseminating tips on source reduction to State agencies and businesses. CIWMB is also encouraging incentives for "green" development and a sustainable future in California.

### **Cal/EPA Goals 6, 7, and 8**

## **Accomplishments**

1. **Time Extensions for Local Diversion Programs:** To date the board has approved 106 applications for time extensions for meeting the 50 percent diversion requirement and/or alternative diversion requirements, as allowed under SB 1066 (Sher, Chapter 672, Statutes of 1997). CIWMB staff is consulting with many others who may also decide to submit applications.
2. **Consideration of Jurisdictions' Petitions for New Base Years:** To accurately measure waste diversion, many jurisdictions are revising their base years and conducting waste generation studies. To date the board has approved new base years for 136 jurisdictions, and an additional 30 new base year requests are anticipated to come before the board for approval in the first quarter of 2003. Eleven jurisdictions are currently conducting waste generation studies that the board will most likely consider in the first quarter of 2003. Staff will continue to provide assistance to those jurisdictions in developing new base year and waste generation data for approval/adoption by the board.
3. **Electronic Annual Reporting (EAR):** After rolling out the new EAR system in 2001, improvements were made in response to user feedback. Every city and county must report information on waste diversion within its jurisdiction during the previous calendar year. This

report includes information about waste diversion programs implemented and discontinued, as well as the annual diversion rate. The EAR system is now widely used for this purpose by local jurisdictions, with almost 95 percent of the 449 jurisdictions filing their reports electronically.

4. **Implementation of SB 2202 Report Recommendations:** In response to recommendations in the 2001 report *A Comprehensive Analysis of the Diversion Rate Measurement System*, (corresponding to SB 2202, Sher, Chapter 740, Statutes of 2000), the CIWMB developed a legislative proposal to encourage regional agency formation and to add disposal reporting system enforcement provisions. Cal/EPA has approved the proposal.

In addition, the CIWMB Web site has been expanded to include additional tools and information such as the diversion rate accuracy indicators tool. This tool is for use by jurisdictions as a guideline to determine whether changes over time make use of the adjustment method less accurate in determining their diversion rate. Case studies of jurisdictions that have improved diversion rate accuracy by establishing new base years are now available on the CIWMB Web site.

5. **Rulemaking:** Revisions to the disposal reporting system and the adjustment method are in the informal regulations development and review process. This rulemaking is intended to improve diversion rate accuracy. Informal workshops for stakeholder input were held in December.
6. **Implementation of State Agency Diversion Program:** CIWMB staff analyzed the annual reports submitted by approximately 98 percent of the agencies and facilities that were required to report. The CIWMB entered into a memorandum of understanding with the State Controllers Office to assist the board in conducting audits. These audits developed a solid foundation and a consistent review process for the upcoming review of agency and facility compliance with the mandated 25 percent diversion by 2002. The CIWMB continued to provide technical assistance to State entities to help them meet the diversion goals. Finally, program staff concluded workshops in early December 2002. The workshops focused on assisting State agencies and facilities with the annual reporting requirements and describing how records should be maintained in the event of future audits.
7. **Implementation of School District Waste Reduction Program:** The primary goal has been to implement the requirements of the School DEEL. As such, CIWMB staff continues to provide ongoing technical and informational assistance to school districts and local jurisdictions in an effort to develop and improve school district waste reduction programs. This assistance is provided in concert with other related State agencies, such as DTSC and the State and Consumer Services Agency. The CIWMB also continues to implement its outreach plan targeting school-related professional associations and organizations to highlight the benefits and value of implementing districtwide waste reduction programs. Additionally, CIWMB staff continues to enhance the school waste reduction Web resources published in April 2002. These include

addition of the 2000 school district waste reduction survey results and analysis and new school waste reduction models.

8. **Annual Business Waste Reduction Awards Honored California's Best in 10th Annual Cycle:** The CIWMB's Waste Reduction Awards Program (WRAP) honored several hundred California businesses and other private organizations in its tenth year, many with multiple-site and multiple-year recognition. The 2002 WRAP award winners were announced in September to coincide with Pollution Prevention Week. The ten select "WRAP of the Year" winners, annually chosen from the winners-at-large based on outstanding accomplishments, were announced in November in conjunction with America Recycles Day.
9. **Statewide Food Residuals Summit:** A two-day food residual diversion summit was held October 22–23. A wide range of stakeholders participated, including food industry association representatives, food industry managers, local government representatives, health officials, food bank managers, composters, renderers, and waste haulers. Attendees shared information and learned about innovative technologies and programs. Attendees also provided valuable feedback during breakout sessions on specific topics. Results of this workshop will be disseminated through the CIWMB Web site and new publications. Results will also be presented to the board for consideration of future actions to encourage more food diversion in California.

## Priorities

1. **Biennial Review of Jurisdictions' Progress in Implementing Diversion Programs:** Fewer than 100 biennial reviews of jurisdictions annual reports remain to be heard by the board in the first quarter of 2003. The majority of these jurisdictions conducted a generation-based diversion study and as a result, changed their reporting base year.
2. **Consideration of Jurisdictions' Petitions for New Base Years:** To accurately measure waste diversion, many jurisdictions are revising their base years and conducting waste generation studies. Thirty new base-year requests are anticipated to come before the board for approval in the first quarter of 2003. There are also 11 jurisdictions currently conducting waste generation studies that should also come to the board for consideration in the first quarter of 2003. Staff will continue to provide assistance to those jurisdictions in developing new base year and waste generation data for approval/adoption by the board.
3. **Electronic Annual Report:** The CIWMB will survey jurisdictions to determine changes and/or improvements for the next electronic annual report.
4. **Implementation of Diversion Rate Measurement System Report Recommendations**
  - The CIWMB will monitor the legislative proposal to add enforcement priorities for the disposal reporting system and to promote regional agencies.
  - The CIWMB Web site will be expanded to include additional tools and information:

- o Web-based training for diversion goal measurement is being developed and will be available in early 2003. Development of similar training modules on the disposal reporting system will begin in 2003 and be released after approval of the revised disposal reporting system regulations.
  - o Additional reports from databases will be available on the Web.
- 5. **Rulemaking:** The proposed draft disposal reporting system and adjustment method regulations will be revised based on comments received during the informal review process. The formal rulemaking process is expected to start in 2003.
- 6. **Waste Characterization:** The CIWMB will characterize types of disposed materials in 2003–04. The types of materials left in the waste stream change over time, as diversion efforts are successful. The CIWMB needs this data to make policy decisions on where to focus its efforts and to calculate the rigid plastic packaging container recycling rate.
- 7. **Implementation of State Agency Diversion Program:** The primary focus will be preparing for and reviewing agency/facility annual reports. The reports will outline compliance with the mandated 25 percent diversion by 2002. As part of the review, staff will conduct visits at sites reporting less than 25 percent diversion. This verification process will help determine if the reporting agency took all appropriate steps to determine diversion properly. It will also assist in identifying program areas with potential for increased waste diversion to achieve both the 25 and 50 percent diversion mandates. Staff will also request field visits at those agencies and facilities that report extremely high diversion, allowing the opportunity to learn from successful programs. Staff will finalize the development of the training video series to help State agencies and facilities develop and implement diversion programs. The videos will be viewable on the CIWMB Web site as well as in CD-ROM and VHS video formats.
- 8. **State Agency Recycling Recognition (STARR) Awards:** The STARR Awards recognize State agencies and facilities for outstanding waste diversion efforts. The board will be developing the award application and a brochure marketing the 2003 program to State agencies/facilities. The State agency/facility award applications will be due to the board in July 2003.
- 9. **Implementation of School District Waste Reduction Program:** In spring of 2003, the CIWMB will conduct a training program for CIWMB staff regarding school district waste reduction programs. This training program will highlight how local jurisdictions, school districts, and board staff can work together to implement districtwide waste reduction programs. The training will also feature the CIWMB's Web-based resources for school district waste reduction program implementation. Additionally, in June 2003, CIWMB staff will conduct another school district survey to evaluate the implementation of school waste reduction programs in the State. If the CIWMB determines that less than 75 percent of schools have implemented a waste reduction program, the CIWMB must recommend to the Legislature those statutory changes needed to require schools to implement such a program. The CIWMB will also continue to implement its

outreach plan targeting school business decision-makers through their school-related professional associations and organizations to emphasize the benefits and value of implementing districtwide waste reduction programs. CIWMB will also make continuous improvements to the CIWMB Web resources for school district waste reduction, such as adding waste reduction resources for school district transportation departments, frequently asked questions, and partnership links.

10. **Waste Reduction at Non-State Venues and Large Events:** The CIWMB is developing tools and resources aimed at increasing waste reduction at non-State venues such as stadiums, amusement parks, and museums and at large events such as food festivals and cultural events. These tools will be available on the board's venues and large events Web site, which is targeted to be operational in the summer of 2003.
11. **Annual Business Waste Reduction Recognition To Emphasize Strategic Priorities:** The CIWMB's WRAP awards program will enter its 11th cycle in 2003. As it does each cycle, the program will adjust and refine the application's focus to highlight evolving priorities. As the CIWMB moves forward with the implementation of its visionary 2001 Strategic Plan, the WRAP application, which is completed by eligible businesses and organizations, will emphasize topics such as zero waste, product stewardship, and education. The 2003 WRAP application cycle will run from April 1 through June 30, and the winners will be announced in September to coincide with Pollution Prevention Week.

## ***Market Development***

Market demand for recycled-content products is essential to the success of recycling and waste reduction programs. The CIWMB's market development goals are designed to encourage markets for secondary materials generated in California. Through the efficient collection and processing of recycled materials, along with the commitment from manufacturers to use recycled-content feedstock, the board continues to promote the development of high-quality and value-added recycled-content products (RCP) for the California marketplace.

### **Cal/EPA Goals 6, 7, and 8**

## **Accomplishments**

### **1. Organics Regulatory Issues**

- Proposed Rule 1133: CIWMB will continue to respond to proposed rule 1133 from the South Coast Air Quality Management District (SCAQMD), which would enclose composting. The CIWMB will complete a contract to provide additional emissions testing data for analyzing impacts of the proposed rule and will continue to coordinate with the composting industry and local jurisdictions.
- Clopyralid: AB 2356 (Keeley, Chapter 591, Statutes of 2002,) requires Cal/EPA's Department of Pesticide Regulation (DPR) to make a determination by April 2003 about uses

- of clopyralid that are not likely to result in clopyralid residues in compost. The law, which becomes effective on January 1, 2003, also requires DPR to take actions on those uses for which the department cannot make such a determination. CIWMB and DPR have been working cooperatively on this issue for approximately one year, and in November the two agencies co-convened the third external stakeholders advisory committee on clopyralid in compost. The meeting focused on AB 2356 implementation issues, testing and reporting protocols. Also on the agenda were committee plans to gather information to assist DPR in making its determination and plans to develop outreach/educational material for residents and professional landscapers.
- **Sudden Oak Death:** CIWMB will continue to work with the California Department of Food and Agriculture (CDFA) and the U.S. Department of Agriculture (USDA) in resolving issues related to movement of infested material. The CIWMB will implement the contract with UC Berkeley for additional research on the efficacy of composting as a treatment method.
  - **External Funding for Organic Materials Management (OMM) Partnership Project:** The board recently implemented a partnership program that identifies external grant funds and partners with qualified research teams working in the organics arena. Under the partnership arrangement, board staff provides resources (in-kind services, staff time) to target funding sources and help with application and project needs while partners get funding directly.
6. **Nursery Compost Use:** Staff surveyed 150 wholesale nurseries in California to determine the present use of compost in nursery growing regimes. The survey also included information on what compost characteristics/specifications are needed in specialty blends of compost to accommodate unique growing environments of nurseries. Staff presented findings at the *Biocycle* conference in 2002 and developed fact sheets highlighting survey findings.
  7. **Sustainable Environmental Design and Education Program:** The board provided funding to Cal Poly University to develop sustainable environmental design curriculum for college and university architecture and landscape architecture programs, and for professional continuing education programs. Cal Poly is currently completing a survey of programs throughout the country to determine what information is being provided/taught and what information is available for use in the program to be developed.
  8. **State Agency Buy Recycled Campaign (SABRC):** CIWMB will continue its increased outreach efforts to the largest procuring agencies with the goal of capturing \$400 million in total reportable purchases for fiscal year 2001–02. CIWMB has established a goal of 90 percent of agencies reporting, in addition to an increase in the total number of agencies included in the SABRC. CIWMB will also focus on increasing role of the Department of General Services (DGS) in the SABRC. Specifically, CIWMB will look for an increase in the number of RCPs available on Statewide contracts, increased use of the recycled-content certification form, and increased SABRC presence in DGS trainings, outreach, Web site, promotional activities, and publications.

In addition, the board entered into an interagency agreement with the State Controller's Office to audit a select number of SABRC reports and is contracting to perform a program evaluation of the effectiveness of SABRC.

#### 9. **Rigid Plastic Packaging**

- CIWMB, in cooperation with the Department of Conservation, has completed the 2001 processor survey necessary to determine recycling rates for all rigid plastic packaging containers (RPPC) and for polyethylene terephthalate (PET) RPPCs. The board adopted the rates at its September 17 meeting. Because the all-container recycling rate was 25 percent or more (estimated rate was 26.1 percent), all regulated product manufactures can demonstrate compliance with California's RPPC law. Accordingly, there will not be a compliance certification for 2002.
- Presenting final results of compliance agreements for the combined 1997, 1998, and 1999 RPPC certification cycle will occur through mid-2003.

6. **Implementation of Executive Order D-16-00:** This order provides a solid foundation of lasting institutional changes in the way the State designs, constructs, operates, and renovates buildings. Significant updates of action items from the Sustainable Building Task Force's "Building Better Buildings: A Blueprint for Sustainable State Facilities" include the pre-approved checklist of green building features approved by the Department of Finance, the LEED Supplement for California State Facilities, and the Reference Specification for Energy and Resource Efficiency. It also includes updating the Web site, which has become one of the CIWMB's most popular sites, and filling in gaps as new information becomes available.

Sustainable building staff presented its newest training module on establishing local programs at three venues Statewide with more than 130 people attending. A sustainable building materials module targeted at design professionals is currently under development, with roll-out planned for early 2003. CIWMB is also working with the Department of Finance and DGS to foster the use of life-cycle costing, which is essential for justifying the higher initial costs of some sustainable building practices. Tracking long-term performance is a priority that continues to need technological support and resources for creating and maintaining a database.

7. **Zone Administrator (ZA) Training:** With technical assistance from the City of Long Beach, CIWMB conducted ZA training workshops focused on incorporating environmental justice in the recycling market development zones (RMDZ), RMDZ marketing strategies, zone renewals, and economic gardening. These workshops not only serve to inform and provide ZAs with practical tools and resources to use in their RMDZ activities, but they are excellent venues for the ZAs to network with each other, resolve global program issues, and share successes. Board members have participated on speaker panels, which fosters more communication between the CIWMB and the California Association of Zone Administrators.

8. **RecycleStore:** A two-year effort to expand this unique online catalog of recycled-content products was successfully concluded. The RecycleStore is a free marketing and information exchange service for RMDZ businesses. This catalog started out with 35 products and now includes more than 360 products from 50 zone manufacturers. More than half of the established RMDZs actively participate in the RecycleStore, and interest is continuing to grow. This project has been a great marketing resource for businesses in the rural sectors of the State, where waste diversion and marketing recyclables are a challenge.

## Priorities

1. **Recycling Market Development Zone Redesignations:** Zone designations for 12 of the RMDZs expire in the first half of 2003. Program staff will work closely with the zone administrators to present redesignations to the board for consideration so that RMDZ program services will continue uninterrupted.
2. **Implementation of Executive Order D-16-00:** (See description of order under Accomplishments.) New activities include working with DGS to improve the specification for modular classrooms and increased outreach to higher education and other entities with significant construction activities. Plans are also underway for a major sustainable building conference for higher education with a focus on UC Merced. Finally, staff will work to better identify opportunities to incorporate sustainable building language in State construction authorizations so change becomes institutionalized.
3. **Jobs Through Recycling:** This project is partially funded by a grant from the U.S. EPA and is focused on strengthening the recyclable markets in the Alameda County region. Staff will continue to work with the project partners to establish an eco-industrial park and publish a case study and final report based on this long-term project.
4. **Investor Forums:** Staff plans to work closely with the Materials for the Future Foundation to conduct two investor forums for businesses that produce recycled-content products or are involved in conversion technology. These forums are tentatively scheduled for spring 2003.
5. **Economic Gardening Demonstration Project:** Economic gardening is a unique approach to economic development that seeks to promote innovation and growth of local businesses. This demonstration project applies economic gardening techniques specifically to recycling-based manufacturers in recycling market development zones. One-third of the RMDZs are participating in this project. By summer 2003, staff will determine if this effort should be incorporated into the core RMDZ program, and whether these services should be outsourced or conducted by board staff.
6. **Plastics “White Paper”:** The CIWMB, in cooperation with the Department of Conservation, is developing an issue paper, or “white paper,” to systematically analyze the manufacture, use, disposal, and recycling of plastics in California. The white paper will develop innovative



solutions for overcoming obstacles faced by local jurisdictions, waste haulers, and recyclers attempting to collect more plastic from the waste stream, and by manufacturers wanting to use more postconsumer resin in products and packaging. This will help CIWMB refocus its efforts in the management of plastics from rigid plastic packaging containers and trash bags to all types of plastics within the waste stream. The ultimate goal is to optimize plastics use, recycling, and disposal in California. The final report is scheduled for presentation to the board in March 2003.

#### 7. **Rigid Plastic Packaging**

- Conduct certifications for 2000 and 2001. These certifications will determine whether regulated companies complied with the rigid plastic packaging container law.
- Notice regulations to improve efficiencies and eliminate confusion (April 2003).
- Consider penalty criteria for companies in violation of the RPPC law (March 15–16, 2003, CIWMB meeting).
- Hold public hearings in late spring 2003 for companies that failed to comply with the RPPC law. Staff estimates that 20 companies may be fined an average of \$50,000 for a total of \$1 million.

#### 8. **Organic Materials Management**

- Clopyralid: The CIWMB and DPR will convene a fourth stakeholder meeting to discuss information gathered by stakeholders, CIWMB, and DPR for use by DPR in making its April 2003 determination. This will include preliminary information from the CIWMB's ongoing infrastructure survey of the organics recycling industry. The CIWMB will post finalized testing and reporting protocols and outreach/educational materials on its Web site. CIWMB and DPR also will continue to work on this issue with herbicide manufacturers, the composting industry, and others stakeholders on meeting the requirements of AB 2356, which addresses the issue of persistent herbicides.
- CIWMB is continuing to collaborate with SCAQMD, the composting industry, and local jurisdictions to revise the proposed rule(s) into more affordable yet effective control measures. CIWMB will complete an additional evaluation including emissions testing to develop "best management practices" for green waste composting that will reduce emissions.
- Sudden Oak Death (SOD): CIWMB will continue to work with CDFA and USDA in resolving issues related to movement of SOD host material. In the next six months, CIWMB will complete the contract with UC Berkeley for additional research on the use of composting as an alternative treatment method to eliminate the SOD pathogen in green waste. This research will be sent to USDA/CDFA regulatory staff for consideration of composting as an SOD alternative treatment in early 2003.

- **Biennial Infrastructure Survey:** CIWMB has entered into contract for the second assessment of California's compost- and mulch-producing infrastructure. The final report will be completed in the summer of 2003. This will provide valuable information and will provide a second set of data to the first survey.
  - One request for external funding by the OMM project has resulted in an \$110,000 grant award from California Department of Food and Agriculture's "Buy California" program. UC Santa Clara Cooperative Extension submitted the proposal, entitled "Developing Technology to Grow Mushrooms from Recycled Urban Waste and Food Scraps and Paper Waste." Board staff will provide assistance to research the economic feasibility of using a variety of recycled waste materials and practices, including composted yard trimmings and food scrap and paper waste vermicomposting in commercial mushroom growing regimes.
9. **Recycled Product Trade Show:** The 4th Annual Recycled Product Trade Show will take place at the Sacramento Convention Center, April 10 and 11, 2003. CIWMB established targets of increasing exhibitor participation from 112 booth spaces to 150, receiving \$20,000 in sponsorship revenues, and exceeding 2,000 attendees for the two-day event.

## ***Facility Permitting/Enforcement***

The California Integrated Waste Management Act mandates diversion of recyclable materials from the waste stream and the safe handling and disposal of all nonhazardous solid waste. The CIWMB, in partnership with local governmental agencies, is responsible for regulating the operations of solid waste facilities. It also administers remediation programs for orphaned, illegal, and abandoned dumpsites.

**Cal/EPA Goals 4, 5, 7, and 8**

## **Accomplishments**

1. **Local Enforcement Agency (LEA) Training:** CIWMB provided a variety of LEA training sessions that included inspector field training tours, hands-on landfill gas training, load checking, and understanding the California Division of Occupational Safety and Health (Cal/OSHA) regulations. In addition, the 6th Annual LEA/CIWMB Partnership Conference was held in August. Technical sessions ranged from post-closure development to conversion technologies. This annual conference offers LEAs and CIWMB staff networking opportunities and chances to share successes and obstacles and to enhance partnerships.
2. **Enforcement Agency:** CIWMB staff, acting as enforcement agency in five local government jurisdictions, conducted 138 inspections of 27 different facilities. This is an ongoing effort.
3. **Compostable Material Regulations:** The CIWMB adopted these regulations in November. CIWMB staff will submit the final rulemaking file to the Office of Administrative Law by April 1, 2003.

4. **LEA Evaluations:** CIWMB completed the LEA evaluation process for Kern, Tehama, Yolo, Colusa, Inyo, El Dorado, and Lassen/Modoc/Plumas/Sierra counties. CIWMB monitored LEA compliance with evaluation work plans that address performance issues identified in LEA evaluation results for the following jurisdictions: Imperial, Tulare, San Luis Obispo, Monterey, and Amador counties.
5. **Rulemaking:** CIWMB completed the following rulemakings:
  - Process for CIWMB withdrawal of approval of local enforcement agency designations.
  - Administration of LEA enforcement assistance grants.
  - Permitting and minimum operating standards for the transfer/processing of putrescible wastes.

## Priorities

1. **Landfill-Gas-to-Energy (LFGTE) Task Force:** Continue participation in LFGTE task force as requested and implement plan to incorporate flexibility for State approval of alternative landfill projects upon adoption by U.S. EPA of a Subtitle D regulation on research, development, and demonstration projects.
2. **LEA Training:** CIWMB continues to provide a variety of classes to the LEAs, facility operators, and staff. Classes will tackle topics such as the compostable materials regulations, universal waste, illegal dumping on tribal lands, and alternative daily cover.
3. **LEA Evaluations:** CIWMB will be completing the LEA evaluation process and finalizing evaluation results for the jurisdictions in Fresno, Colusa, and El Dorado counties. CIWMB anticipates that some additional LEA jurisdictions will require monitoring once their evaluation results are finalized. In addition to those jurisdictions mentioned in accomplishment 4 above, the CIWMB will continue to monitor Tehama, Lassen/Modoc/Plumas/Sierra, Mono/Alpine, and Kern counties and the City of San Jose for LEA compliance with evaluation work plans. Upon completion of the remaining LEA evaluations, staff will present to the CIWMB an LEA evaluation status update for the current cycle. This will provide the CIWMB an opportunity to amend the current evaluation process should it deem it appropriate.
4. **LEA Outreach and Issue Research:** CIWMB staff continues to work with other Cal/EPA entities, CDFA, and University of California contacts on various issues, including potential bioaerosols, clopyralid, and other persistent pesticides in composting, plant pathogens such as sudden oak death, and avian and potential animal product composting. Staff has started the process of initial scoping and information gathering for the next phase of compostable materials regulatory effort that will initially address potential small quantity generator exemptions.

5. **Odor Impact Minimization Plan/Compostable Materials Regulation Workshops:** CIWMB staff will begin training LEAs and operators in the development and use of the odor impact minimization plan that is required in the new regulations. The workshops are designed to assist in the early implementation of this new standard. The workshops will include a discussion of regulatory changes and implementation of these changes.
6. **Best Management Practices (BMPs) for Compostable Materials:** CIWMB continues efforts to coordinate with industry, LEAs, University of California, and local and State government agencies in developing best management practices and odor mitigation measures to satisfy the requirements of SB 675 (Costa, Chapter 788, Statutes of 1997) and SB 88 (Costa, Chapter 424, Statutes of 2001). Research on odor-controlling BMPs that integrate feedstock handling and composting technologies is being developed to enhance the “good neighbor” status for existing and new operations.
7. **Universal and Electronic Waste Working Group Support:** CIWMB staff continues to participate in the universal waste and electronic waste working groups and to facilitate response to—and resolution of—LEA concerns regarding these issues.
8. **Solid Waste Facility Permits:** CIWMB anticipates the submission of applications for the expansion of the following landfills:
  - Sunshine Canyon Landfill (both the City of Los Angeles portion and County of Los Angeles portion).
  - Bradley Landfill West and West Extension (City of Los Angeles).
  - Puente Hills Landfill (County of Los Angeles).
  - Tajiguas Sanitary Landfill (County of Santa Barbara).

### ***Waste Tires and Special Waste***

The CIWMB is responsible for the safe management of more than 36 million waste tires generated, imported, and stockpiled annually in California. The five-year plan for the elimination of waste tires requires that CIWMB undertake cleanup activities for illegal tire sites, upgrade the waste tire hauler program, stimulate market activities, and implement a tire disposal fee for each new tire sold in California. The CIWMB is also responsible for the oversight of the State’s used oil and household hazardous waste recycling programs. The CIWMB works in conjunction with local governments and private organizations to encourage Californians, through public outreach and grant programs, to properly manage and recycle used motor oil and hazardous household products.

**Cal/EPA Goals 2, 4, 5, 7, and 8**

## Accomplishments

1. **Five-Year Plan:** CIWMB will continue to implement the provisions of the five-year plan, including addressing staffing needs, managing various contracts, implementing priorities for cleanup set in the plan, and awarding and administering grants under the six grant programs. The two-year revision effort, mandated by SB 876 (Escutia, Chapter 838, Statutes of 2000), began in the fall. Workshops with stakeholders were held on October 1, 10, and 17 to gather comments on how the plan has worked to date and what changes would help.
2. **Remediation of Illegal Sites**
  - **Westley Tire Fire Site:** CIWMB has completed the field activities for the cleanup of the Filbin tire fire sites in Westley.
  - **Tracy Tire Fire Site:** U.S. EPA has completed the initial site characterization work. The CIWMB is coordinating with U.S. EPA and other Cal/EPA entities to develop a remedial action plan for this site. In addition, the CIWMB is in the process of awarding contracts and beginning implementation of the remedial action plan and the cleanup of the site.
3. **Waste Tire Recycling Conference:** CIWMB awarded a contract and entered into an agreement with California State University, Sacramento, to sponsor a conference in Northern California in the fall of 2003.
4. **Waste Tire Manifest Tracking/Monitoring System:** In November 2001, the CIWMB held workshops on the development of the new used/waste tire manifest. After several recommended changes by industry, a pilot program was initiated to determine the effectiveness of this system. This new manifest system was intended to begin October 1; however, implementation has been delayed until July 1, 2003.
5. **Technical Working Groups**
  - **California Resource Recovery Association, Household Hazardous Waste Technical Council:** CIWMB participates in this ad hoc household hazardous waste group that studies extended producer responsibility issues that includes CRTs and e-waste. In 2002, this group began examining issues related to paint.
  - **Household Hazardous Waste Standardization Committee:** CIWMB participates in this national committee, whose goal is to develop a cost calculator to compare the costs and efficiencies of various household hazardous waste programs.
6. **Community Based Social Marketing:** Staff conducted or participated in workshops and training sessions to introduce grantees to various social marketing techniques designed to supplement or replace their existing publicity and education efforts.

7. **Used Oil Recycling Forum:** CIWMB sponsored a statewide used oil forum in December 2002 to support local government and nonprofit grant managers. This forum fosters information sharing about successful used oil recycling programs. It also enhances regional partnerships and facilitates networking, which is essential to the growth and continued success of the used oil recycling program.

## Priorities

1. **Waste Tire Manifest Tracking/Monitoring System:** The waste tire manifest system will be rolled out by July 1, 2003. In the spring of 2003, prior to the full implementation of the new manifest system, several training venues, instructional booklets, and a video will be available to haulers, generators, and end-use facilities throughout the state. Scanning equipment has been purchased and testing will begin in early 2003 with the new manifest forms.
2. **Five-Year Plan:** The CIWMB began the first two-year revision of the plan as required by SB 876 (Escutia, Chapter 838, Statutes of 2000). A workshop is scheduled for January 30, 2003, to present the proposed elements for fiscal years 2003–04 through 2007–08 and to begin work on the budget. The revised plan should be adopted and in effect by the July 1, 2003, deadline.
3. **Remediation and Illegal Sites:** The contract for remediation of the Tracy tire fire site will be awarded by the CIWMB at its January 2003 meeting. Work is expected to commence in the spring and take three to four years to complete. These efforts are being coordinated with the appropriate local and State regulatory agencies. Efforts are underway to reach an agreement on the remediation of the Sonoma tire piles. Tires were originally placed at these sites to address the erosion problems that plague this area. Some type of erosion control project will likely be implemented in coordination with the other Cal/EPA agencies.
4. **Community Based Social Marketing:** As a follow-up to the workshops and training sessions held at the 2002 Used Oil Forum in Pasadena, CIWMB staff is developing and planning a pilot using community-based social marketing techniques and methods to identify barriers to behavioral changes. The goal is to identify the behavioral causes of illegal dumping of used oil and the lack of used oil recycling.
5. **Re-refined Oil:** Staff will provide training to public and private fleet managers and educate the general public about the benefits of buying re-refined oil. Staff will also identify barriers to the sale and use of re-refined oil and recommend solutions.

## ***California-Baja California Border Environmental Program***

CIWMB is participating in the California-Baja California border environmental program, which involves the work of various State and local agencies in California and Mexico that are addressing air and water pollution, hazardous waste contamination, and other environmental problems in the border region.

**Cal/EPA Goal 5****Priorities**

Used Tire Hauler: CIWMB will conduct training of Mexican used tire haulers (llaneros) to conform to proposed regulatory changes for waste/used tire hauler registration and manifesting.





# **OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT**

ACCOMPLISHMENTS & PRIORITIES: July–December 2002

# Office of Environmental Health Hazard Assessment

The mission of the Office of Environmental Health Hazard Assessment (OEHHA) is to protect and enhance public health and the environment by objective scientific evaluation of risks posed by hazardous substances.

Consistent with the goals and objectives outlined in Cal/EPA's Strategic Vision, OEHHA provides health assessments and health risk assessment guidelines to Cal/EPA's boards, departments, and offices. OEHHA's accomplishments and priorities for the second half of 2002 concern its scientific investigations and assessments of the health effects of exposures to air pollutants, pesticides, drinking water contaminants, and other hazardous substances. OEHHA also assisted Cal/EPA with promoting environmental justice by providing expertise to Cal/EPA boards and departments to minimize any disproportionate impacts that hazardous substances may have on low-income and minority communities.

## Strategic Plan Goals

OEHHA's primary responsibility is to develop scientific information needed to protect human health and the environment. OEHHA is not a "traditional" regulatory agency in that it does not issue permits or enforce laws and regulations. Instead, OEHHA provides State and local agencies with information on the toxicity of hazardous substances. That information is then used in setting standards, enacting regulations, and taking other actions to reduce exposure to toxic substances. OEHHA's accomplishments and priorities reflect its responsibilities and support the following goals established in the 2001 Strategic Plan:

**Goal 1:** Improve the quality of the public's health and the environment.

**Goal 2:** Advance the science for the evaluation of risks posed to the public health and environment, and provide risk assessment leadership for the State of California.

**Goal 3:** Provide quality, useful, and equitable service to the public.

**Goal 4:** Seek continuous improvement in the effective and efficient use of our internal resources to accomplish our mission.

## Children's Environmental Health Protection

Under the Children's Environmental Health Protection Act (SB 25, Escutia, Chapter 731, Statutes of 1999), OEHHA, in conjunction with the Air Resources Board (ARB) has been investigating health effects of chemical contaminants in the air, such as particulate matter (PM) and sulfates, on children's health. Children may have greater exposure than adults to airborne pollutants because they spend more time outdoors and they breathe more rapidly than adults. Children are also more susceptible to

the health effects of air pollution because their immune systems and organs are still developing. As part of these investigations, OEHHA is currently reviewing whether the State's ambient air quality standards are adequate to protect the health of infants and children. OEHHA is also examining contaminants of concern that may be present at school sites. Accomplishments and priorities under this category are linked to the following Cal/EPA Strategic Vision goals:

**Goal 1:** Air that is healthy to breathe, sustains and improves our ecosystems, and preserves natural and cultural resources.

**Goal 5:** Reduce or eliminate the disproportionate impacts of pollution on low-income and minority populations.

**Goal 7:** Continuous improvement and application of science and technology.

## Accomplishments

1. **Particulate Matter and Ozone Ambient Air Quality Standards:** OEHHA worked with the Air Resources Board (ARB) to complete comments regarding proposed revisions to the draft report containing ambient air quality standards for PM10 and PM2.5 (particulate matter of 10 and 2.5 microns). ARB adopted the report and the standards in June 2002. These comments were needed to complete the Office of Administrative Law (OAL) process for putting the new air quality standards into effect. OEHHA also initiated a review of scientific literature concerning the health effects of exposure to ozone.
2. **School Site Risk Assessment:** OEHHA developed draft guidelines for conducting multimedia risk assessments at existing and proposed school sites pursuant to Health and Safety Code 901(f)(A) and (C). These guidelines have been posted on the OEHHA Web site for public review and are also undergoing scientific peer review by a panel of University of California faculty members. Also, OEHHA proposed child-specific health values for the first set of five chemicals that OEHHA previously identified to be of concern at school sites, pursuant to Health and Safety Code 901(f)(B) and 901(g). These values identify levels of exposure to these chemicals that would not be expected to pose a health risk to children. A draft report covering this work was issued and is undergoing public review.
3. **East Bay Children's Respiratory Health Study:** OEHHA continued to analyze data from the East Bay Children's Respiratory Health Study to examine the relationship between busy roadways near schools and respiratory symptoms in children.
4. **Statewide Traffic Studies and Children's Respiratory Health:** OEHHA has evaluated the proximity of California schools to roadways. The study indicated that 10 percent of California's schools are near busy roadways (greater than 25,000 vehicles per day) and 2.3 percent are very close to high traffic areas (greater than 50,000 vehicles per day). This data is important in assessing factors in the respiratory health of children.

5. **Risk Assessment Evaluation:** OEHHA continued to evaluate its health risk assessment methods for adequacy in protecting infants and children. This evaluation includes reviewing scientific literature to gain a better understanding of the differences in exposure and response to toxicants by age. The ultimate objective of the evaluation is to develop changes to the risk assessment guidelines used for identifying levels of exposures to toxicants that would not be expected to pose a significant health risk in children. OEHHA anticipates that this evaluation will be completed in late 2004.

## Priorities

1. **Criteria Air Pollutants:** OEHHA will complete a review of epidemiological and toxicological literature in preparation for a re-evaluation of the State standard. Ozone was given second highest priority (following particulate matter) during the review and prioritization of the ambient air quality standards under the Children's Environmental Health Protection Act. This work will be submitted to ARB for inclusion in a staff report that will contain recommendations for a revised ambient air quality standard(s) for ozone.
2. **School Site Risk Assessment:** OEHHA staff anticipates that the scientific and public review of the draft guidelines for multimedia risk assessments at existing and proposed school sites will be completed early in 2003. OEHHA then expects to respond to public comments by spring 2003.
3. **Health Values:** OEHHA will submit its health values concerning children's exposure to five chemicals to external peer review as well as public review. OEHHA will respond to these comments and adopt final health values by June 2003.
4. **East Bay Children's Respiratory Health Study:** OEHHA will continue to analyze data from the East Bay Children's Respiratory Health Study to examine the relationship between busy roadways near schools and respiratory symptoms in children.
5. **Statewide Traffic Studies and Children's Respiratory Health:** OEHHA will continue conducting more detailed analyses of the proximity of schools to heavily traveled roads to further examine demographic and socioeconomic trends concerning the exposure of California school children to traffic-related pollutants.
6. **Risk Assessment Evaluation:** OEHHA will continue evaluating its health risk assessment methods for adequacy in protecting infants and children. As part of this effort, OEHHA is constructing a database of cancer cases resulting from exposures to chemicals early in life.

## Public Health Goals

The Calderon-Sher California Safe Drinking Water Act of 1996 requires OEHHA to develop "public health goals" (PHG) for chemical contaminants in drinking water. A PHG is the level of a chemical contaminant in drinking water that, based upon currently available data, does not pose a significant

risk to health. State law requires the Department of Health Services (DHS) to set regulatory drinking water standards as close to the corresponding PHGs as is economically and technically feasible.

Accomplishments and priorities under this category are linked to the following Cal/EPA Strategic Vision goal:

**Goal 3:** Groundwater that is safe for drinking and other beneficial uses.

## Accomplishments

1. **PHG for Arsenic, Hexavalent Chromium:** OEHHA completed and arranged a peer review for a draft PHG for arsenic, and continued work on the development of a PHG for hexavalent chromium (chromium VI).
2. **PHGs for 12 Chemicals:** OEHHA has released second-draft PHGs for 12 chemicals. The chemicals are: asbestos, barium, beryllium, chlorobenzene, 1,1-dichloroethane, diethylhexyl adipate, ethylene dibromide, hexachlorobenzene, perchlorate, silvex, 1,1,2,2-tetrachloroethane, and toxaphene. The documents were posted on OEHHA's Web site for a second public comment period in December.
3. **PHGs for Remaining Chemicals:** Initial draft PHG documents on the remaining chemicals with a State maximum contaminant level have been completed. Eleven draft chemical documents and two memoranda on radiation screening standards are presently being internally reviewed.

## Priorities

1. **PHG for Arsenic:** After completing internal reviews, OEHHA expects to post the arsenic document for public review during the first half of 2003. Depending on the extent of public comments and responses needed for this chemical, OEHHA expects to complete a PHG for arsenic during the second half of 2003.
2. **PHG for Perchlorate:** OEHHA will arrange for a University of California peer review of the revised perchlorate PHG document, and respond to public comments received during a public comment period. OEHHA anticipates issuing the PHG by late 2003.
3. **PHG for Hexavalent Chromium (Chromium VI):** OEHHA will continue its investigations of the potential health effects of chromium VI in drinking water, and expects to complete a PHG for the substance by summer 2003.
4. **PHGs for 17 Additional Chemicals and Memoranda on the Radiation Screening Standards:** OEHHA will continue to work on draft PHGs for 17 chemical contaminants in drinking water. The draft memoranda on the screening standards for gross alpha radiation and gross beta radiation are under review.

## ***Environmental Protection Indicators For California (EPIC)***

OEHHA is the lead agency for implementing the Environmental Protection Indicators for California (EPIC) project. Through EPIC, environmental indicators were developed to assess the overall health of California's environment and the effectiveness of the State's environmental programs. The project is a collaborative effort of Cal/EPA, the California Resources Agency, DHS, and an external advisory group consisting of representatives from business, public interest groups, academia, and local government.

Accomplishments and priorities under this category are linked to the following Cal/EPA Strategic Vision goal:

**Goal 8:** An efficient and effective Cal/EPA in pursuit of its mission.

### **Accomplishments**

1. **Communication and Outreach:** OEHHA made a number of presentations on the EPIC project at various meetings and conferences, including: the California and the World Oceans Conference; the fall semiannual meeting of the California Conference of Directors of Environmental Health and the California Conference of Local Health Officers; the meeting of the California Environmental Health Tracking Expert Working Group; the Department of Toxic Substances Control Leadership Academy; and a workshop sponsored by the Multi-State Work Group and the Council of State Governments.

### ***Priorities***

1. **Improve and Update Environmental Indicator System:** OEHHA will continue to work with the Cal/EPA boards and departments, the Resources Agency, DHS, and other entities to improve and update the environmental indicators. OEHHA will explore the feasibility of presenting certain indicators using a geographic information system platform. The next update is scheduled for 2004.
2. **Integrate Environmental Indicators Into Cal/EPA Planning Process:** OEHHA will continue to work with the Cal/EPA Office of the Secretary and the agency's boards and departments to develop mechanisms for integrating environmental indicators into the agency's planning and decision-making processes.

## ***Air Toxics Hot Spots Program***

Health and Safety Code Section 44300 (the Air Toxics Hot Spots Information and Assessment Act) mandates OEHHA to develop guidelines for assessing health risks posed by major California facilities that emit air toxins.

Accomplishments and priorities under this category are linked to the following Cal/EPA Strategic Vision goal:

**Goal 1:** Air that is healthy to breathe, sustains and improves our ecosystems, and preserves natural and cultural resources.

## Accomplishments

1. **Reference Exposure Levels:** OEHHA submitted proposed chronic reference exposure levels (REL) for fluorides, phosphine, and triethylamine to the Scientific Review Panel on Toxic Air Contaminants (SRP) for review. The RELs for phosphine and triethylamine were approved and adopted for the Air Toxics Hot Spots program. OEHHA has also revised the draft chronic REL for crystalline silica pursuant to internal Cal/EPA and management review. A chronic REL is an airborne level of a contaminant that would pose no significant health risk to individuals indefinitely exposed to that chemical at that level. The RELs reflect considerations of potential health impacts on infants and children as required by the Children's Environmental Health Protection Act.
2. **Guidance Manual:** OEHHA, in cooperation with ARB, released the draft "Air Toxics Hot Spots Guidance Manual for Preparation of Risk Assessments" for public review. The document condenses information from the four technical support documents adopted for use in conducting health risk assessments for the Air Toxics Hot Spots program. The guidance manual will be used by local air quality management districts and air pollution control districts as well as by the facilities conducting risk assessments. OEHHA worked with ARB to finalize the manual, which was subsequently approved by the SRP.
3. **Health Risk Assessment Review:** OEHHA continued to review health risk assessments submitted by the air districts under the Air Toxics Hot Spots program.

## Priorities

1. **Reference Exposure Levels:** OEHHA will continue to work with the SRP on approval and adoption of the chronic REL for fluorides. In addition, OEHHA will work toward finalizing the chronic REL for crystalline silica of 10 microns or less following SRP review.
2. **Health Risk Assessment Review:** OEHHA will continue to review health risk assessments submitted by the air districts under the Air Toxics Hot Spots program.

## Toxic Air Contaminant Program

OEHHA performs risk assessments of substances that are candidates for regulation by ARB under the Toxic Air Contaminant Identification and Control Act.

Accomplishments and priorities under this category are linked to the following Cal/EPA Strategic Vision goal:

**Goal 1:** Air that is healthy to breathe, sustains and improves our ecosystems, and preserves natural and cultural resources.

## Accomplishments

1. **Environmental Tobacco Smoke:** OEHHA drafted a revision to the report, “Health Effects of Environmental Tobacco Smoke (ETS),” which was first prepared in 1997. OEHHA is updating the document to provide a complete and current assessment of the health effects of environmental tobacco smoke for consideration by ARB, which has proposed the identification of environmental tobacco smoke as a toxic air contaminant. The draft is undergoing internal review and the revisions focus attention on the health effects of ETS on children.
2. **Dioxin Toxicity Equivalency Quotient (TEQ):** OEHHA prepared a document updating the toxic equivalents factors for dioxin-like compounds, which has undergone management review. OEHHA described the current TEQ and is now proposing to use the TEQ developed by the World Health Organization for the Air Toxics Hot Spots program.

## Priorities

1. **Environmental Tobacco Smoke:** OEHHA will complete the update of the report, “Health Effects of Environmental Tobacco Smoke.” Following management review, the document will undergo peer review and public review in 2003.
2. **Dioxin TEQ:** OEHHA will finalize the dioxin TEQ document, release the document for public comment, and bring it before the SRP for review and approval. The document will then be incorporated into the Air Toxics Hot Spots risk assessment guidelines.

## *Health Risk Assessments for Chemical Contaminants in the Environment*

OEHHA’s health risk assessments and the guidance that OEHHA provides to State and local agencies often form the basis for regulatory actions that reduce the public’s exposure to hazardous contaminants.

Accomplishments and priorities under this category are linked to the following Cal/EPA Strategic Vision goals:

**Goal 3:** Groundwater that is safe for drinking and other beneficial uses.

**Goal 4:** Communities that are free from unacceptable human health and ecological risks due to exposure from hazardous substances and other potential harmful agents.

**Goal 6:** Ensure the efficient use of natural resources.

## Accomplishments

1. **Fuels Multimedia Impact Assessment Program:** OEHHA continued work on a draft technical support document on the potential adverse health effects of reformulated fuels.



## ***Pesticide Exposure Training, Risk Assessments, and Field Investigations***

OEHHA trains physicians in treating pesticide poisonings, advises local health officers on pesticide-related illnesses, and assists in the development of pesticide worker-safety regulations.

Accomplishments and priorities under this category are linked to the following Cal/EPA Strategic Vision goals:

**Goal 4:** Communities that are free from unacceptable human health and ecological risks due to exposure from hazardous substances and other potential harmful agents.

**Goal 5:** Reduce or eliminate the disproportionate impacts of pollution on low-income and minority populations.

### **Accomplishments**

1. **Pesticide-Illness Recognition Training:** OEHHA staff provided training in pesticide poisoning recognition and management at a conference at the UC Davis. OEHHA also provided training to physicians and medical personnel at hospitals in the cities of Stockton and Merced, and in Fresno County.
2. **Pesticide Exposure Field Investigations:** Staff analyzed data from a follow-up survey of possible long-term health ailments among Earlimart (Tulare County) residents who were accidentally exposed to metam sodium in 1999.
3. **Technical Expertise for Pesticide Regulations:** OEHHA participated as a charter member of the worker safety regulation work group of the Department of Pesticide Regulation (DPR). The group is currently working on regulations for the use of respirators by pesticide applicators. OEHHA also provided comments to DPR on worker exposure protocols for four pesticides: chloropicrin, cyfluthrin, malathion, and iodine.
4. **Peer Review:** Staff reviewed and submitted comments to DPR on their draft pesticide risk assessments for the chlorpyrifos toxic air contaminant document, methyl bromide aggregate risk characterization document, and azinphos-methyl risk characterization document.
5. **Health Risk Assessments:** OEHHA prepared findings on the health effects of the pesticide active ingredient chlorpyrifos and submitted the draft findings to the SRP.
6. **Guidelines for Cholinesterase-Inhibiting Chemicals:** OEHHA, in collaboration with DPR, developed technical discussions and drafted written guidance for conducting risk evaluations of chemicals that inhibit cholinesterase activity.

## Priorities

1. **Guidelines for Cholinesterase-Inhibiting Chemicals:** OEHHHA will work with DPR to continue developing guidance for conducting risk evaluations of chemicals that inhibit cholinesterase.
2. **Peer Review:** Staff will submit comments on DPR's draft risk characterization documents for metam sodium, methylisothiocyanate, and methidathion.

## Fish Consumption Advisories

OEHHHA assesses risks from chemical contaminants in sport fish and issues fish consumption advisories, which provide the public with recommended limits for the consumption of fish species in specific locations that may contain elevated levels of methylmercury and other contaminants.

Accomplishments and priorities under this category are linked to the following Cal/EPA Strategic Vision goal:

**Goal 2:** Rivers, lakes, estuaries, and marine waters that are fishable and swimmable, and support healthy ecosystems and other beneficial uses.

## Accomplishments

1. **Fish Consumption Advisories:** OEHHHA provided technical support to the Trinity County Department of Environmental Health in developing an interim county fish consumption advisory for Trinity Lake based on data from the U.S. Geological Service. To obtain the additional analytical results needed to develop a comprehensive State advisory, OEHHHA staff assisted in the sampling of fish from Trinity Lake. Staff also continued to work on a draft report for fish consumption in San Pablo Reservoir (Contra Costa County) and Black Butte Reservoir (Glenn and Tehama Counties), and fish assessments in Tomales Bay, the San Francisco Bay Delta, and other water bodies.
2. **Technical Expertise on Chemical Contaminants in Fish:** OEHHHA staff provided technical support to the State Water Resources Control Board (SWRCB) and several regional water quality boards for the following projects: a site evaluation and cleanup in San Diego Bay, the Lake Oroville dam re-licensing environmental impact assessment report; and the toxic substances monitoring program collection and analysis in lakes and reservoirs in the Bay Area, the North Coast, and Humboldt/Arcata Bay. OEHHHA staff also provided technical support to DHS concerning dioxin/furan contamination in commercial oysters from Humboldt/Arcata Bay. OEHHHA assisted U.S. EPA on its institutional control plan for the Palos Verdes Shelf Superfund site and the Montrose Settlements trustees in a restoration project surrounding the Palos Verdes Shelf Superfund site. OEHHHA staff also analyzed the first two years of fish contamination data from the coastal fish contamination program and presented the summary at the California and the World Ocean 2002 conference.

3. **Environmental Justice and Public Communication:** OEHHA staff served on a number of regional groups of agency- and community-based organizations working to promote better communication about chemical contamination in fish. OEHHA provided technical support to the following: the Delta fish consumption task force, the San Francisco Bay fish consumption task force, the U.S. EPA technical advisory committee for revising risk communication guidance for fish advisories; and the fish contamination education program (Los Angeles and Orange counties), which produced a multilanguage brochure with information about chemical contamination and fish consumption advice.

## Priorities

1. **Fish Consumption Advisories:** OEHHA will complete a draft report and consumption advisories for water bodies in the Bear and Yuba River watersheds (Placer, Nevada, and Yuba counties) in the spring of 2003. OEHHA will continue to work on draft reports and advisories for the San Pablo Reservoir (Contra Costa County), marine waters in Santa Monica and San Pedro Bay (Los Angeles County), and the Orange County coast. OEHHA will also revise the report and advisory for the Black Butte Reservoir (Glenn and Tehama counties) and begin drafting a report to update the advisory for San Francisco Bay. OEHHA will continue ongoing assessments of contaminated fish in Tomales Bay, the Delta, and Trinity Lake, where additional data are being collected.
2. **Technical Expertise on Chemical Contaminants in Fish:** OEHHA will continue to provide technical support to the SWRCB and regional boards for assessments of fish in Lake Oroville, San Diego, Humboldt Bay, and other water bodies. OEHHA will also continue to provide technical support to the U.S. EPA and Montrose Trustees for cleanup and restoration projects surrounding the Palos Verdes Superfund site.

## *California-Baja California Border Environmental Program*

OEHHA is participating in the California-Baja California border environmental program, which involves the work of various State and local agencies in California and Mexico that are addressing air and water pollution, hazardous waste contamination, and other environmental problems in the border region.

Accomplishments and priorities under this category are linked to the following Cal/EPA Strategic Vision goal:

**Goal 5:** Reduce or eliminate the disproportionate impacts of pollution on low-income and minority populations.

## Accomplishments

1. **Training in Toxicology and Risk Assessment:** OEHHA staff conducted training for approximately 50 promotoras (lay community health educators) in lead poisoning prevention.

Two trainings were performed in conjunction with Fuerza Campesina in El Centro (Imperial County) and Project Concern International in Chula Vista (San Diego County).

2. **Joint Study of Lead Exposure:** OEHHA and DHS continued to analyze samples of Mexican candies for sale on the California-Baja California border and confirmed that lead contamination continues to be present in certain candies and candy wrappers. OEHHA has participated in discussions with DHS and the U.S. Food and Drug Administration regarding a systematic approach to resolving this problem.
3. **Support for Imperial/Mexicali Clean Air Stakeholders Group:** The program obtained funding from U.S. EPA Region 9 for a study entitled “Collection and Analysis of Respiratory Illness Data in Imperial County and the Municipality of Mexicali.” The lead on the study will be Dr. Marco Antonio Reyna of the Universidad Autónoma de Baja California, who heads the health work group of the stakeholders group.

### Priorities

1. **Training in Toxicology and Risk Assessment:** Staff will continue to conduct training of Mexican colleagues in toxicology and risk assessment.
2. **Joint Study of Lead Exposure:** Staff will continue collaborating with the Baja California Health Department on the Tijuana childhood lead exposure study.
3. **Fish Consumption Advisory:** The program will investigate the feasibility of testing fish in the New River to support the development of a fish advisory.
4. **Imperial/Mexicali Clean Air Stakeholders Group:** OEHHA’s border coordinator will assist in the study entitled “Collection and Analysis of Respiratory Illness Data in Imperial County and the Municipality of Mexicali.” OEHHA will also seek additional outside funding to expand the program by adding an environmental health educator.

### Proposition 65

Proposition 65, officially known as The Safe Drinking Water and Toxic Enforcement Act of 1986, requires the publication and updating of a list of chemicals that are known to the State of California to cause cancer, birth defects, or other reproductive harm. OEHHA is responsible for administering the Proposition 65 program.

Accomplishments and priorities under this category are linked to the following Cal/EPA Strategic Vision goals:

**Goal 4:** Communities that are free from unacceptable human health and ecological risks due to exposure from hazardous substances and other potential harmful agents.

**Goal 7:** Continuous improvement and application of science and technology.

## Accomplishments

1. **Safe Harbor Levels:** OEHHA released draft “safe harbor levels” for 16 chemicals on the Proposition 65 list. Safe harbor levels identify levels of exposures to chemicals listed under Proposition 65 that do not require businesses to provide warnings. The 16 chemicals are: benzofuran, N-carboxymethyl-N-nitrosourea, 3,3'-dimethoxybenzidine, 3,3'-dimethoxybenzidine dihydrochloride, 3,3'-dimethylbenzidine, 3,3'-demethylbenzidine dihydrochloride, 2-methylaziridine (propyleneimine), phenyl glycidyl ether, tetranitromethane, 2,6-xylydine, p-chloro-o-toluidine hydrochloride, isobutyl nitrite, nalidixic acid, o-phenylenediamine, o-phenylenediamine dihydrochloride, and linuron.
2. **Developmental and Reproductive Toxicant (DART) Committee:** The DART committee met to consider the listing of diuron and the de-listing of bromacil lithium salt. The committee determined that diuron had not been clearly shown to cause reproductive toxicity, and therefore, should not be added to the Proposition 65 list. The committee also determined that bromacil lithium salt should remain on the Proposition 65 chemical list as known to cause developmental toxicity and in addition should be listed as known to cause male reproductive toxicity. The committee designated as an authoritative body the National Toxicology Program (NTP) with regard to final documents released by NTP's Center for Evaluation of Risks to Human Reproduction.
3. **Carcinogen Identification Committee (CIC):** The CIC met to consider the listing of phenelzine and its acid salts and the de-listing of sodium saccharin. The committee determined that phenelzine had not been clearly shown to cause cancer and declined to add the chemical to the Proposition 65 list. The committee also decided to remove sodium saccharin from the Proposition 65 list. In addition, the committee recommended that OEHHA develop individual hazard identification documents for each of the cholesterol-lowering statin drugs and to present the documents at a future CIC meeting. The CIC at that time would decide upon the addition of individual statin drugs to the Proposition 65 list.
4. **Clear and Reasonable Warning Regulation:** OEHHA adopted a regulation concerning the providing of Proposition 65 warnings during emergency medical and dental care. The regulation states that the accepted practice of obtaining a patient's informed consent for emergency medical or dental treatment will be deemed to comply with the Proposition 65 warning requirement.
5. **Safe Use Determinations (SUD):** OEHHA held a public hearing on a proposed regulation that would make changes to OEHHA's rules and procedures for considering SUD applications from businesses. An SUD is an advisory opinion issued by OEHHA concerning the use of a product containing a chemical listed under Proposition 65 that would not pose a risk to the public and, therefore, would not require a warning. An SUD can also help a business determine whether a discharge of the chemical into a drinking water source would be prohibited under Proposition 65. OEHHA is reviewing comments prior to issuing a final regulation.

6. **Additions to Proposition 65 List:** OEHHA issued a notice of intent to list strong inorganic mists containing sulfuric acid under the “authoritative bodies” mechanism. OEHHA is reviewing comments received during the public comment period on this notice.
7. **Random Selection of Chemicals:** OEHHA is working on the prioritization of 50 chemicals that were randomly selected for further evaluation for possible listing as carcinogens under Proposition 65. Each of the 50 chemicals will be screened for cancer potential, based on a review of the available scientific literature, and will be prioritized. Chemicals with highest priority will ultimately be reviewed by the CIC.

### Priorities

1. **Safe Harbor Levels:** OEHHA will adopt “safe harbor levels” into regulation for 16 chemicals on the Proposition 65 list. OEHHA will propose draft safe harbor levels for an additional 12 chemicals.
2. **Additions to Proposition 65 List:** OEHHA will consider the listing of as many as four chemicals under the “authoritative bodies” and “formally required to be labeled” listing mechanisms.
3. **Random Selection of Chemicals:** OEHHA will prioritize the 50 chemicals that were randomly selected for further evaluation for possible listing as carcinogens under Proposition 65.
4. **Safe Use Determinations:** OEHHA expects to finalize and adopt a regulation making changes to OEHHA’s processes and procedures for handling SUD applications.
5. **Naturally Occurring Chemicals in Food Regulations:** OEHHA will hold a public workshop to solicit input on proposed amendments to the regulation that would clarify exposures to naturally occurring chemicals in food that are exempt from Proposition 65 warning requirements.

### ***Registered Environmental Assessor Program***

The registered environmental assessor (REA) program certifies and maintains a directory of environmental professionals who are highly qualified to conduct environmental site assessments, oversee site cleanups, perform compliance audits, prepare waste reduction plans, and handle other kinds of environmental work. Pursuant to the enactment of SB 1011 (Sher, Chapter 626, Statutes of 2002), the REA program was transferred from OEHHA to the Department of Toxic Substances Control effective January 1, 2003.

Accomplishments and priorities under this category are linked to the following Cal/EPA Strategic Vision goal:

**Goal 4:** Communities that are free from unacceptable human health and ecological risks due to exposure from hazardous substances and other potential harmful agents.

## Accomplishments

1. **Registration:** The REA program registered 90 new environmental assessors and evaluated more than 400 renewal and reinstatement applications from current and previously registered individuals.
2. **Transfer of REA Program:** The REA program worked closely with DTSC management and information technology operations to ensure a smooth transfer of the program from OEHHA to DTSC effective January 1, 2003.
3. **Geology Work Group:** The REA program continued to coordinate the activities of a Cal/EPA work group to evaluate the activities within Cal/EPA that may constitute the practice of geology. The work group is currently drafting a report for Cal/EPA's review.

## Other Accomplishments

Accomplishments and priorities under this category are linked to all eight of the Cal/EPA Strategic Vision goals.

1. **Emergency Response for Biological and Chemical Terrorism:** The State is preparing emergency response plans in the event of terrorist attacks using biological and chemical weapons. OEHHA participated in an interagency committee on biological and chemical terrorism that is evaluating the State's preparedness in the event of such attacks and is developing recommendations for further preparedness for emergency response teams.
2. **Clandestine Drug Lab Program:** OEHHA completed technical support documents reviewing the toxicity of eight chemicals used in clandestine synthesis of methamphetamine. The first fact sheet was completed at the end of December.
3. **Risk-Based Screening Levels (RBSL):** Staff coordinated with the DTSC and the SWRCB to compile a list of 54 chemicals for which RBSLs have been developed. These RBSLs are undergoing peer review by the University of California pursuant to SB 32 (Escutia, Chapter 764, Statutes of 2001). RBSLs are levels of a chemical in soil that do not pose a significant health risk to humans exposed to the chemical.
4. **Emerging Environmental Challenges:** An informal workshop was convened to explore ways in which risk assessors can provide appropriate information to assist risk managers in cases when available scientific data are inadequate for a complete risk assessment. The workshop used pharmaceuticals and other "non-traditional" chemicals in the environment as case studies. The ideas from this workshop were incorporated into a presentation that was delivered by OEHHA staff at a workshop sponsored by the Association of California Water Agencies.

## Other Priorities

1. **Clandestine Drug Lab Program:** OEHHA will complete an additional four draft fact sheets on chemicals found at sites used as clandestine drug (methamphetamine) manufacturing labs.

2. **Polybrominated Diphenylethers (PBDE):** OEHHA is making presentations at scientific conferences on a class of chemicals widely used as flame retardants that persist in the environment. The presentations also cover acrylamide, a carcinogen ubiquitous in food. OEHHA will continue to monitor scientific research concerning the toxicity and prevalence of PBDEs.



**STATE  
WATER RESOURCES  
CONTROL BOARD  
and  
REGIONAL  
WATER QUALITY  
CONTROL BOARDS**

ACCOMPLISHMENTS & PRIORITIES: July–December 2002

# State Water Resources Control Board and Regional Water Quality Control Boards

The mission of the State Water Resources Control Board (SWRCB) is to preserve, enhance, and restore the quality of California's water resources and ensure their proper allocation and efficient use for the benefit of present and future generations.

## ***Water Rights***

**SWRCB Goal 4:** Water resources are fairly and equitably used and allocated consistent with public trust.

Water rights involve the equitable allocation of water for urban, agricultural, and environmental interests. The water rights program authorizes the diversion and/or storage of surface waters for the benefit of California's residents, its environment, and its economy.

## **Accomplishments**

1. **Bay-Delta Program:** In November, the Sacramento County Superior Court completed its hearing on Water Right Decision 1641, which implements the 1995 Bay-Delta Plan. SWRCB staff assisted the Attorney General in preparing and responding to arguments presented at the hearing. The court's decision is expected in early 2003. In October, the SWRCB adopted an order extending its stay of Bay-Delta hearings until January 2003, to allow phase 8 parties time to complete tasks required by their settlement agreement. If the SWRCB had not adopted the order, the stay would have expired and phase 8 would have been dismissed in October 2003.
2. **San Luis Rey River Water Right Applications:** In February 2000, the SWRCB issued a draft water right order. The order ruled on whether groundwater in the Pauma and Pala basins of the San Luis Rey River in San Diego County is a subterranean stream flowing through a known and definite channel and therefore subject to SWRCB permitting authority. Action on the order was stayed pending a review by Joseph Sax, law professor at the University of California, Berkeley. Professor Sax completed his review in January and the SWRCB held workshops in April on Sax's recommendations. On October 17, 2002, the SWRCB issued a decision that held that the Pala Basin of the San Luis Rey is a subterranean stream and that groundwater diversions from the basin are subject to the SWRCB's permitting authority. However, the decision found that the applicants had not provided substantial evidence to show that the Pauma Basin was a subterranean stream. Therefore, the SWRCB declined to exercise its permitting authority over groundwater diversions from that basin.
3. **Imperial Irrigation District Water Transfer:** On October 28, 2002, the SWRCB issued a water right decision approving a proposed transfer of water from Imperial Irrigation District to San Diego County Water Authority, Metropolitan Water District of Southern California, and

Coachella Valley Water District. The proposed transfer is a key provision of a number of several inter- and intrastate agreements regarding the Colorado River. Parties opposed to the project petitioned the SWRCB to reconsider its decision. On December 20, the SWRCB confirmed its approval of the transfer. As of December 31, the parties involved in the transfer had not come to an agreement on terms of the transfer, or on the terms of the Quantification Settlement Agreement (QSA), a related agreement that enabled the transfer to move forward. The Secretary of the Interior will likely suspend the Interim Surplus Guidelines on January 1, 2003, and limit California to 4.4 million acre-feet per year of Colorado River water, a cut of approximately 800,000 acre-feet. Negotiations between the parties involved in the QSA and the transfer are scheduled to continue in January 2003, in hopes of reinstating Interim Surplus Guidelines.

4. **North Bay Aqueduct Water Rights Hearing:** The Cities of Vacaville, Fairfield, and Benicia filed applications to appropriate water through the North Bay Aqueduct of the Department of Water Resources (DWR) under claimed area of origin and municipal preferences. The DWR and others protested the application. The SWRCB scheduled a hearing on the applications in the summer of 2002, but postponed the hearing to give the parties an opportunity to resolve the protests. The SWRCB held a pre-hearing conference in November. At the pre-hearing conference, these cities and the DWR told the SWRCB that they had entered into a tentative agreement under which DWR will provide water to the cities under contract and the cities will withdraw their application. The SWRCB agreed to postpone action pending a withdrawal of the applications.

## Priorities

1. **Bay-Delta Program:** In February 2003, the SWRCB will hold a second workshop on attainment of the 1995 Bay-Delta Plan narrative objective regarding salmon protection. This workshop was scheduled for November, but it was postponed in order to provide the Department of Fish and Game and the federal fisheries agencies with time to evaluate salmon production data collected during water year 2001–02. In March 2003, the Interagency Ecological Program, a multi-agency group that provides the SWRCB with monitoring data required by D1641 (the decision implementing the 1995 Bay/Delta Plan), will present its conclusions regarding an evaluation of the required monitoring plan and make recommendations to the SWRCB about potential changes to the Bay/Delta Plan.
2. **North Bay Aqueduct Water Rights Hearing:** If the cities of Vacaville, Benicia, and Fairfield and the DWR do not enter into a final agreement under which the cities withdraw their water right applications to divert water from the DWR's North Bay Aqueduct, the SWRCB will hold a status conference on March 5, 2003, to determine whether the water rights hearing should be held.

## Clean Beaches

**Cal/EPA Goal 2:** Rivers, lakes, estuaries and marine waters that are fishable, swimmable, support healthy ecosystems and other beneficial uses.

**SWRCB Goal 6:** Water quality is comprehensively measured to evaluate protection and restoration efforts.

Bacteria from urban and stormwater runoff, sewage spills, and other sources cause periodic closures and warnings at many Southern California beaches. California's beach water quality standards are more stringent than those in other states and are established to protect public health. To eliminate or reduce beach closures, the SWRCB and regional board staffs are implementing the Governor's Clean Beaches Initiative. The initiative provides \$32.2 million in bond money for projects that eliminate or track the sources of contaminated water flowing to coastal waters.

## Accomplishments

1. **Local Projects Funding:** SWRCB staff will assist the agencies identified in SB 739 (Peace, Chapter 106, Statutes 2001) in receiving grant funding to reduce bacterial contamination of beaches. The SWRCB committed \$4.1 million in grant funds during the last half of 2002.
2. **Rapid Indicator Development:** The SWRCB's contractor, Southern California Coastal Water Research Project, has selected five subcontractors and executed subcontracts for developing a rapid indicator for bacteria.
3. **Coastline Advisory Database:** The SWRCB, assisted by U.S. Environmental Protection Agency (U.S. EPA) Beach Act grant funds, developed a new Web-based beach closure reporting database. Database training is being conducted with the coastal counties.
4. **Beach Report Card:** The SWRCB developed an approach to reporting the status of beach water quality based on the beach mile-day measurement. Web site access will be available in the first half of 2003 so that historical data can be incorporated into the coastline advisory database.
5. **Orange County Sanitation District (OCSD):** A controversy exists on whether discharges of advanced primary treated wastewater from the OCSD are responsible for beach postings and closures. In July, the Santa Ana Regional Board amended OCSD's permit to require them to begin a disinfection program. In August, OCSD began disinfecting its discharge of up to 300 million gallons per day.
6. **Santa Monica Bay:** In July, the SWRCB approved the Los Angeles Regional Board amended basin plan objectives for protecting REC-1 (water contact) beneficial uses. In September, the SWRCB approved the regional board's basin plan amendment for a dry-weather pathogen total maximum daily load (TMDL) for Santa Monica Bay. The regional board adopted the wet-weather pathogen TMDL for Santa Monica Bay on December 12. Both the City and County of Los

Angeles are developing an implementation plan. The city's draft integrated plan for wastewater program calls for collection and reuse of 50 percent of the stormwater runoff by the year 2020.

## Priorities

1. **Annual Beach Closure Report:** This report will be sent to the Legislature as required by Health and Safety Code section 115910. The report summarizes the State's beach posting and closure activities for the previous calendar year and activities aimed at improving coastal water quality.
2. **Local Projects Funding:** SWRCB staff will continue assisting the agencies named in SB 739 in receiving grant funding to reduce bacterial contamination of beaches. The SWRCB will commit an additional \$9.6 million in grant funds by June 2003. Staff will distribute the funding allocated by AB 2534 (Pavley and Nakano, Chapter 727, Statutes 2002) from Proposition 40 (\$46 million). Staff will propose nominees for the clean beaches task force, review proposed projects, and complete a project priority list for SWRCB approval.
3. **Rapid Indicator Development:** The SWRCB's contractor, Southern California Coastal Water Research Project, will review the findings of the five research groups subcontracted to develop a rapid bacterial indicator. A workshop is scheduled for May 14, 2003, in Monterey to share information on research and evaluate procedures for testing rapid indicator methods. The draft report for phase I of the rapid bacterial indicator study will be completed by June 30, 2003.
4. **Coastline Advisory Database:** A database will be available in January 2003 to improve the transfer and accessibility of water quality data between local, State, and federal agencies, and the public. The database, developed by the Southern California Coastal Water Research Project to serve the five southern California counties, will be linked to this newly created database.
5. **Beach Report Card:** The beach report card will be automated and made available on the Web once historic data are incorporated into the new coastline advisory database. Beach report card information will be available including August 1999 (first full month of AB 411, Wayne, Chapter 765, Statutes of 1997, [Health and Safety Code sections 115880, 115885, and 115915 data]) to the most recent month of reported data. The information will include statewide beach mile-day summaries, summaries by counties, and summaries by beach.

## Total Maximum Daily Loads

### SWRCB Goal 6

TMDLs provide a way of restoring California's 509 surface water bodies that are listed as impaired. The TMDL process involves identifying and addressing all sources of a pollutant causing impairment. A permissible amount of the pollutant is allocated to each discharger. Diverse interests in a watershed are part of drafting and negotiating TMDLs. The SWRCB is pursuing program improvements such as training, guidance, offsets, local agreements, and long-term strategies.

## Accomplishments

1. **Impaired Waters Listing for 2002 and Policy Development:** SWRCB staff received comments from approximately 300 people or organizations regarding the proposed listing of impaired waters under section 303(d) of the Clean Water Act. On October 15, SWRCB staff released a final draft incorporating changes to the list based on comments received. The SWRCB expects to consider adoption of the list on January 22, 2003. On July 11, SWRCB staff released a concept paper on the scope of the issues that should be addressed in the development of the listing/de-listing policy.
2. **TMDLs Adopted as Basin Plan Amendments by Regional Boards in 2002**
  - Santa Monica Bay pathogen (wet-weather) TMDL—Los Angeles: December.
  - Santa Clara River chloride TMDL—Los Angeles: October.
  - Calleguas Creek nutrient TMDL—Los Angeles: October.
  - Morro Bay pathogen TMDL—Central Coast: December.
  - San Lorenzo River sediment TMDL—Central Coast: September.
  - Las Tablas Creek and Lake Nacimiento metals TMDLs—Central Coast: September.
  - Clear Lake mercury TMDL—Central Valley: December.
  - Indian Creek Reservoir phosphorous TMDL—Lahontan: July.
3. **TMDLs submitted to U.S. EPA:**
  - Mattole Watershed temperature and sediment TMDLs—North Coast.

## Priorities

1. **Impaired Waters Listing and Policy:** The SWRCB will consider adoption of the Clean Water Act section 303(d) list at the January 22, 2003, board meeting. The list is scheduled to be submitted to U.S. EPA by February 15, 2003. SWRCB staff will continue developing a policy for listing and de-listing water quality limited segments pursuant to the federal Clean Water Act section 303(d). Issues to be addressed include acceptable data quality, factors for listing and de-listing waters, criteria for prioritizing listed water bodies, and public notice procedures.
2. **TMDLs Scheduled for Adoption as Basin Plan Amendments**
  - San Francisco Bay mercury TMDL—San Francisco Bay: January 2003.
  - Sacramento River diazinon TMDL—Central Valley.
  - Feather River diazinon TMDL—Central Valley.

- San Joaquin River organochlorine TMDL—Central Valley.
- Los Angeles River pathogens and nutrients TMDLs—Los Angeles: March 2003 and May 2003, respectively.
- Malibu Creek pathogens and nutrients TMDLs—Los Angeles: February 2003.
- Newport Bay/San Diego Creek diazinon and chlorpyrifos TMDLs—Santa Ana: April 2003.
- Rainbow Creek nutrient TMDL—San Diego: February 2003.

### 3. TMDLs Scheduled for Submittal as a Technical Report

- Cache Creek mercury TMDL—Central Valley.
- Delta diazinon, chlorpyrifos, and dissolved oxygen TMDLs—Central Valley.
- Harley Gulch mercury TMDL—Central Valley.
- Sacramento Area Urban Creeks diazinon and chlorpyrifos—Central Valley.
- San Francisco Bay PCB TMDL.
- Upper Lost River and the Salmon River nutrients and temperature TMDLs—North Coast.
- Palo Verde pathogen TMDL—Colorado River Basin.
- Imperial Valley Drains silt/sediment TMDL—Colorado River Basin.

## ***Surface Water Cleanups***

### **Cal/EPA Goal 2**

California's surface waters support many beneficial uses, including drinking, swimming, fishing, and aquatic life, as well as agricultural and industrial uses. When the concentration of a pollutant in a river, lake, or other surface waters exceeds standards, cleanup actions are necessary to restore water quality. That, in turn, restores the beneficial use. These efforts are in addition to cleanups taken through TMDLs.

**SWRCB Goal 2:** Surface waters are safe for drinking, fishing, swimming and support healthy ecosystems and other beneficial uses.

## Accomplishments

### 1. Contaminated Sediments Cleanups

- **Delta:** The Central Valley Regional Board adopted a cleanup plan for three toxic hot spots in the Delta stemming from agricultural and urban use of chlorpyrifos and diazinon in December.
- **San Diego Bay:** The San Diego Regional Board reached agreements with the City of San Diego and the Port of San Diego on work plans for remediation of additional contaminated sediment areas in San Diego Bay. Sampling at these sites will begin in January 2003. The regional board also reached agreement with the U.S. Navy to submit a work plan in March 2003 for remediation of contaminated sediment areas adjacent to Navy facilities in San Diego Bay.

### 2. Acid Mine Drainage—Leviathan Mine:

The Lahontan Regional Board treated acid mine drainage at the Leviathan Mine to prevent overflows in the 2002–03 winter season.

### 3. Rosamond Dry Lake—Edwards Air Force Base:

In September, the Lahontan Regional Board adopted a schedule to eliminate overflows from Los Angeles County Sanitation District's (No. 14) Lancaster wastewater treatment facility that interfere with operations at Edwards Air Force Base.

## Priorities

1. **San Diego Shipyards:** The San Diego Regional Board will issue a cleanup and abatement order setting cleanup levels for National Steel Shipbuilding Company (NASSCO) and Southwest Marine for contaminated sediment remediation in San Diego Bay adjacent to the respective leaseholds of the shipyards.
2. **Peninsula Sportsman Club:** A bay sediment remediation project at Peninsula Sportsman Club will begin by June 2003. San Francisco Public Utilities Commission is leading the project, with San Francisco Bay Regional Board oversight. The project will clean up lead contamination in ponds from the old gun club.

## Water Quality and Surface Water Permits

### Cal/EPA Goal 2

### SWRCB Goals 2 and 6

The SWRCB is achieving legislative mandates on waivers specified by SB 390 (Alpert, Chapter 686, Statutes of 1999). SB 390 requires the regional boards to review and adjust the regulation of discharges that have received waivers. Under SB 390, all existing waivers of waste discharge



requirements will expire on January 1, 2003. SWRCB is also incorporating numeric standards for toxics in permits and supporting new federal requirements for stormwater permits.

## Accomplishments

### 1. Precedential Orders

- **Effluent-Dominated Waters—City of Vacaville Municipal Discharge Permit Petition:** On October 3, the SWRCB issued its decision on a petition by the City of Vacaville regarding discharges of secondary-treated effluent to Old Alamo Creek. This is an effluent-dominated stream (waters with little or no dilution capacity) in Solano County. Through this petition, the SWRCB considered the proper application of water quality standards to this type of setting, statewide. The City of Vacaville filed a lawsuit regarding the decision on November 15.
- **East Bay Municipal Utility District (EBMUD):** On July 18, the SWRCB adopted a precedential order concerning a National Pollutant Discharge Elimination System (NPDES) permit issued to EBMUD. The order concluded that regional boards may impose both concentration and mass interim limits for the same pollutant; that the State implementation plan for toxics pollutants supersedes regional board basin plans regarding dilution credits and mixing zones; regional boards must determine whether there is assimilative capacity for bioaccumulative pollutants on pollutant-specific basis; and mixing zones may be denied to compensate for uncertainties in the assimilative capacity of the water body.

### 2. **Waivers—SB 390 Implementation:** Regional boards are reviewing, and revising or curtailing waivers for activities that were not previously authorized through permits. The following highlights progress on significant situations:

- **Agricultural Drainage:** The Central Valley Regional Board initiated a monitoring program in the Central Valley to better define effects of irrigation return flows on water quality.
- **Silviculture:** A workshop was held on July 17 in Sacramento to get input on implementation options. The North Coast Regional Board adopted a waiver (12-month duration) on December 10, and the other regional boards will consider reissuing, rescinding, or adopting such waivers in early 2003.
- **Dairies:** The Central Valley Regional Board adopted a waiver policy for confined animal feeding operations. The regional board will also be issuing individual Waste Discharge Requirements/NPDES permits for some confined animal feeding operations.
- **Retail fertilizer and pesticide rinse water facilities:** The Central Valley Regional Board adopted a new waiver policy in September.
- **Septic Tanks:** Legislation was enacted to extend the expiration of existing waivers to June 2004.

3. **Statewide General Construction Activities Stormwater Permit (1 to 5 acres):** The existing general construction permit covering projects greater than 5 acres was amended and adopted in December to cover smaller projects.
4. **Major Stormwater Permits**
  - In October, the Santa Ana Regional Board reissued the Riverside County municipal stormwater permit.
  - In October, the Central Valley Regional Board revised the Stockton and Modesto municipal stormwater permits and the Sacramento municipal stormwater permit in December.
5. **San Diego Bay Dischargers:** The San Diego Regional Board issued NPDES permits to regulate industrial, commercial, and residential areas at two U.S. Navy facilities (Point Loma and 32nd Street Naval Yard) adjacent to San Diego Bay. The regional board also reissued NPDES permits for two San Diego Bay shipyards, Southwest Marine and Continental Maritime.
6. **Eradication of non-native species—*Caulerpa Taxifolia*:** The San Diego Regional Board developed a contract request for a \$600,000 federal section 319(h) nonpoint source-funded project to develop ways to eradicate the destructive, invasive non-native seaweed *Caulerpa Taxifolia* in coastal waters.

## Priorities

1. **Waivers—SB 390 Implementation:** A Statewide general order for low-threat discharges has been drafted and is scheduled for consideration by SWRCB in early spring 2003. The general order will supplement existing regional board waiver policies or will be used instead of waivers for low-threat discharges to land. A statewide general order for low-threat dredge or fill discharges is being drafted.
2. **Statewide Stormwater Permits**
  - General industrial activities stormwater permit. By June 2003, SWRCB will reissue this permit covering thousands of industrial operations.
  - General stormwater permit for small municipal separate storm sewer systems. SWRCB staff is revising the draft permit following the December 2 workshop. Adoption is scheduled for January 2003.
3. **Major Stormwater Permits**
  - Los Angeles municipal stormwater permit. The SWRCB will consider several petitions filed by numerous cities and business organizations challenging the areawide stormwater permit for the County of Los Angeles and 84 cities within the county. The petitions challenge provisions requiring compliance with water quality standards, inspections of commercial,

industrial, and construction activities, and obligations cities claim infringe on their land use responsibilities.

- The San Francisco Bay Regional Board plans to update Alameda, Contra Costa, and San Mateo countywide municipal stormwater permits to require treatment measures and flow controls.
  - In March 2003, the North Coast Regional Board will adopt the municipal stormwater permit for the City of Santa Rosa including unincorporated areas surrounding the City of Santa Rosa.
4. **Stockton Municipal Wastewater Plant:** The SWRCB will consider a petition filed by the City of Stockton concerning the permit for its sewage treatment works. The petition requests that dilution credits be extended for discharges into the San Joaquin River near the Delta.
  5. **Cargill Salt Ponds 401 Certification and Waste Discharge Requirements:** The Department of Fish and Game and U.S. Fish and Wildlife Service are negotiating with Cargill Salt to purchase 16,500 acres of former salt ponds for restoration. If purchased, the ponds would be operated differently to avoid concentrating salt and meeting discharge requirements. The agencies have agreed on an interim management plan that should protect sensitive species and meet water quality standards. This plan forms the basis for waste discharge requirements and the 401 water quality certification that will be issued by the San Francisco Regional Board if the purchase occurs.
  6. **Duke Energy, Morro Bay Power Plant:** The Central Coast Regional Board will consider adopting an NPDES permit for the Morro Bay Power Plant during the second quarter of 2003. Concerns about a closed recycling water cooling system versus an open system (one use before discharge) have delayed issuing this permit.
  7. **Pacific Gas and Electric, Diablo Canyon Nuclear Power Plant:** The Central Coast Regional Board is scheduled to complete the settlement agreement and consider adoption of an NPDES permit for once-through cooling water in March 2003.
  8. **Waters of the United States—Lahontan Region:** As a result of a U.S. Supreme Court decision, a number of water bodies in the Lahontan region may not be considered waters of the United States under the provisions of the federal Clean Water Act. The Lahontan Regional Board will conduct a workshop to determine if discharges to these waters will be regulated through federal or State permits.
  9. **Orange County Sanitation District (OCSD):** In June 2003, the Santa Ana Regional Board, with U.S. EPA, is scheduled to consider adoption of a new permit for OCSD, which currently discharges both primary and secondary effluent. The new permit would require OCSD to upgrade its facilities to a full secondary treatment level. It will take some time to construct facilities to

comply with the new permit, so the board will consider a cease and desist order with a time schedule for construction.

10. **General Recycling Order:** The Central Valley Regional Board will adopt a general order for recycling treated domestic wastewater. This should ease the permit process for reclamation projects.

## ***Groundwater Protection and Cleanups***

**Cal/EPA Goals 2 and 3:** Groundwater that is safe for drinking and other beneficial uses.

**SWRCB Goal 3:** Groundwater is safe for drinking and other beneficial uses.

Roughly 40 percent of California's drinking water comes from groundwater resources. These resources are threatened by a legacy of handling materials and wastes. The problems include leaking underground storage tanks containing fuel or solvents and disposing of spent chemicals. Containment and cleanup of groundwater contaminants, improvements in waste and material handling practices, the use of graphical information systems, and using the best science available are components of the State's groundwater protection program.

### **Accomplishments**

1. **Chromium VI in Hinkley, San Bernardino County:** Pacific Gas and Electric submitted a work plan for the long-term remediation of the chromium VI plume. The remediation system to control plume migration was delayed for pilot studies and the California Environmental Quality Act analysis.
2. **San Fernando Valley Chromium VI Investigation:** The Los Angeles Regional Board submitted the second draft of the chromium VI investigation report to U.S. EPA for review on August 31. The regional board revised the draft on November 29.
3. **Moffett Federal Airfield, San Francisco Bay:** In August, a record of decision was signed incorporating State landfill regulations as a basis for remediation and closure of the airfield's 9-acre solid waste landfill.
4. **MTBE Sampling at Operating Stations in Santa Clara Valley:** In December, San Francisco Bay Regional Board staff requested groundwater MTBE sampling at an additional 180 gas stations in Santa Clara Valley, with a focus on stations that pose a high threat to the heavily used aquifers.
5. **Solvent Stabilizer Sampling:** In mid-2002, San Francisco Bay Regional Board staff requested groundwater sampling for solvent stabilizers such as 1,4-dioxane at 15 Bay Area sites considered to have released these constituents. Solvent stabilizers may go undetected using routine analytical and reporting practices. They may pose a greater threat to water quality than the primary solvents because of their toxicity, mobility, and persistence. Responses from 10 sites detected 1,4-dioxane,

and 4 of the sites measured significant concentrations (over 300 ppb in groundwater). Follow-up monitoring continues.

6. **Mission Valley Terminal, San Diego:** Compliance with a cleanup directive was carried out when the responsible parties for discharges at the petroleum tank farm completed a human health risk assessment work plan and report. The report concluded that, under the current land use scenario, there are no significant risks to human health from hydrocarbon vapor inhalation in the nearby Qualcomm Stadium or the surrounding parking lot, or through ingestion of polluted groundwater. Further, there are no significant environmental risks to the San Diego River from migration of contaminated groundwater into the river.

## Priorities

1. **Rialto-Colton-Fontana Perchlorate Plume:** The Santa Ana Regional Board will oversee investigations into the sources of the perchlorate plume that has caused the closure of 20 municipal water supply wells. Installation of wellhead treatment systems will begin on some of the affected wells, partially funded by the SWRCB cleanup and abatement account.
2. **Santa Ysabel Drinking Water:** This area in the San Diego region is very dependent on groundwater that is now threatened by petroleum contaminants. The San Diego Regional Board will issue orders to four property owners requiring soil investigations, and the board will issue an order to the operator of one active gasoline station to conduct an enhanced leak detection test.
3. **Temecula Drinking Water Wells:** The San Diego Regional Board will require cleanup at five underground storage sites in Temecula that have caused groundwater pollution and reduced service from Rancho California Water District Well No. 118.

## Monitoring and Assessment

**Cal/EPA Goal 7:** Continuous improvement and application of science and technology.

### SWRCB Goal 6

Water quality monitoring and assessment provides vital information to determine the health of waters, trends in water quality conditions, the need for follow-up investigations, and the basis for prescribing waste discharge limitations in permits.

## Accomplishments

1. **Water Quality Assessment:** The SWRCB submitted the draft biennial report on the state's water quality to U.S. EPA as required by the federal Clean Water Act section 305(b). This report provides water quality information to the public and will be incorporated into the U.S. EPA national water quality inventory report to Congress. The final report will include listings of impaired water bodies as required by the section 303(d) of the act.

2. **Groundwater Monitoring:** The SWRCB formed an interagency task force and public advisory committee to develop a comprehensive groundwater quality monitoring report as mandated by AB 599 (Liu, Chapter 522, Statutes of 2001 [section 10780 of the California Water Code]). The SWRCB prepared a draft comprehensive groundwater quality monitoring report for public advisory committee review. Groundwater quality and age dating samples were collected in the Fresno, Manteca, Pleasanton, and Stockton areas. Voluntary sampling of domestic wells was completed in Yuba County.

## Priorities

1. **Water Quality Assessment:** The Clean Water Act section 305(b) report will be finalized when the SWRCB approves the Clean Water Act section 303(d) list, which is expected in January 2003.
2. **Groundwater Monitoring:** The SWRCB will finalize the comprehensive groundwater quality monitoring report and submit it to the Legislature as mandated by AB 599. Groundwater quality sampling and age-dating will be completed in the Chico area. Voluntary water quality sampling of domestic wells will be conducted in the second focus area (Placerville area of El Dorado County). The results of sampling groundwater from 10 percent of municipal solid waste landfills for radioactive materials will be compiled.
3. **Lake Tahoe Monitoring:** The Lahontan Regional Board has initiated a \$3 million monitoring contract to provide better insight into the significant sources of fine sediment and nutrients that are contributing to the decline in clarity of Lake Tahoe. This information will be used to regulate stormwater discharges and to develop a TMDL for Lake Tahoe.
4. **San Francisco Region:** Effluent characterization for the 126 priority pollutants by all dischargers has been underway. Ambient monitoring for the 126 priority pollutants has been conducted as a group effort through the regional monitoring program. The additional data will help implement the SIP and CTR in future permit reissuance. The first interim reports are due in May 2003.

## Water Quality Control Plans

### SWRCB Goal 6

Water quality control plans provide a general plan for achieving water quality goals and objectives. These plans are the basis for the permits issued to dischargers. Typically, these plans define the waters and the beneficial uses to be protected, list the allowable pollutant levels, and set out the measures to achieve these goals. Regional boards develop these plans for major watersheds. The SWRCB develops plans to address water quality issues that are common to more than one region. Water quality control plans are reviewed every three years and are subject to SWRCB approval.

## Accomplishments

1. **Sediment Quality Objectives:** In November, the SWRCB executed a contract with the Southern California Coastal Water Research Project to develop sediment quality objectives.
2. **Central Valley Basin Plan:** The Central Valley Regional Board adopted basin plan amendments to revise the bacteria objectives for the Sacramento and San Joaquin River Basin (in July) and for the Tulare Lake Basin (in October).
3. **Deer Creek, El Dorado and Sacramento Counties:** The Central Valley Regional Board adopted site-specific pH and turbidity objectives for Deer Creek in El Dorado and Sacramento Counties to address compliance problems in an effluent-dominated water body. Site-specific temperature objectives will be considered in January 2003.
4. **Cathedral City Septic Tanks:** On November 13, the Colorado River Basin Regional Board adopted a basin plan amendment to prohibit the use of septic systems in the cove area of Cathedral City effective January 1, 2012.

## Priorities

1. **Site-Specific Objectives Guidance Document:** The SWRCB expects to release a draft for public comment by February 2003. The document will provide guidance to establish acceptable concentrations of pollutants in waters that have unique characteristics.
2. **Ocean Plan Amendments:** The draft functional equivalent document for amending the Ocean Plan will be completed and mailed to the public by June 30, 2003.
3. **Policy for Implementation of Toxics Standards for Inland Surface Waters, Enclosed Bays, and Estuaries of California (SIP):** By March 2003, SWRCB staff expects to provide a summary of public comments received on potential changes to the SIP.
4. **Nitrogen/Total Dissolved Solids Task Force:** The Santa Ana Regional Board will consider basin plan amendments in April 2003 to revise groundwater basin boundaries and water quality objectives for nitrogen and salinity.
5. **North Coast Basin Plan:** The North Coast Regional Water Quality Control Board will adopt a basin plan amendment updating the beneficial uses of surface and ground waters throughout the region.
6. **San Francisco Stream Protection Basin Plan Amendments:** The San Francisco Regional Board will consider updates to wetland protection language, the region's water body list, maps, and designated beneficial uses starting in March 2003 and ending late in 2003. These proposed amendments will shape the regulatory basis of Clean Water Act section 401 permits and stormwater programs.

7. **Los Angeles Bacteria Objectives:** The Los Angeles Regional Board will consider a basin plan amendment that would suspend bacteria objectives (protective of body-contact recreational uses) during high flow conditions.

## ***Nonpoint Source Control***

### **SWRCB Goal 6**

An assessment of water quality conditions in California shows that nonpoint sources of pollution have the greatest effect on water quality. Nonpoint sources are not readily controlled by conventional means. Activities such as cultivating or developing land contribute to pollutants in runoff. Controlling nonpoint sources requires using preventive plans and practices by those involved in the activities and by those overseeing such activities.

### **Accomplishments**

1. **Regulations for On-Site Sewage Treatment Systems** (for example, septic tanks): The SWRCB released draft regulations for the permitting and operations of on-site systems in December. Water Code section 13290-13291.7 (AB 885, Jackson, Chapter 781, Statutes of 2000) requires the SWRCB to adopt these regulations by January 1, 2004.
2. **Dairies:** The San Francisco Regional Board awarded certificates of recognition to 13 dairies in Sonoma and Marin Counties for consistently complying with State standards. The certificates were awarded to the dairies at the December Sonoma/Marin Animal Resource Committee meeting.

### **Priorities**

1. **Compliance Assistance Guidance:** In March 2003, the SWRCB will consider adopting compliance assistance guidance for implementing California's nonpoint source pollution control program, pursuant to SB 227 (Alpert, Chapter 560, Statutes of 1999).
2. **Regulations for Integrated On-Farm Drainage Management (IFDM) Systems:** In April 2003, the SWRCB will develop a regulatory program for permitting solar evaporators as the drainage and sale end-point component of IFDM systems. SB 1372 (Machado, Chapter 597, Statutes of 2002), an amendment to the Health and Safety Code, established this program.

## ***Financial Assistance***

**Cal/EPA Goal 5:** Reduce or eliminate the disproportionate impacts of pollution on low-income and minority populations.

The SWRCB assists communities in eliminating unacceptable human health and ecological risks because of exposure from hazardous substances and other potentially harmful agents. State assistance helps reduce or eliminate the disproportionate impacts of pollution on low-income and minority populations. About 70 percent of the SWRCB annual budget is comprised of funds in the form of



financial assistance. These funds provide grants for cleaning leaking underground fuel tanks and loans and grants for wastewater treatment facilities, water recycling projects, nonpoint source projects, watershed projects, and other projects.

## Accomplishments

### 1. Proposition 13 Bond Funds

- **Water Recycling Construction Projects:** The SWRCB made funding commitments to local agencies for water recycling projects using the \$105 million in the 2000 Water Bond water recycling subaccount.
- **Watershed, Nonpoint Source, and Coastal Nonpoint Source Programs:** The SWRCB finalized most of the contracts for projects selected in the first year (\$21.8 million) of funding. The SWRCB reviewed proposals submitted for the second round of funding and established a priority list of projects totaling \$78 million. SWRCB staff released a request for proposals for projects to be funded from the \$10 million pesticide management set aside in the nonpoint source program. SWRCB staff developed a request for proposals for the third round of funding.

2. **Federal Nonpoint Source Grants:** The SWRCB reviewed proposals and established a priority list of projects submitted for \$6.4 million of nonpoint source grant funding for 2003. Staff has finalized most contracts selected for the federal fiscal year 2002 funding.

## Priorities

### 1. Propositions 13, 40, and 50 Funds

- **Small community wastewater grants:** The small community wastewater grant program will have \$15 million of Proposition 40 funds as established by AB 2534. The SWRCB will notify prospective applicants of the availability of the funds and request the submission of proposed projects for the priority list.
- **Small community groundwater grants:** The small community groundwater grant program will have available \$10 million of Proposition 40 funds as established by AB 2534. The SWRCB will notify prospective applicants of the availability of the funds and request the submission of proposed projects for the priority list.
- **Water Recycling Construction Projects:** Funding criteria will be established to administer Proposition 50 funds for planning, design, and construction of water recycling projects.
- **Watershed and nonpoint source programs:** A memorandum of understanding regarding funding program coordination will be established as required by Proposition 40 authorization legislation. A request for proposals will be released and phase II contracts, using Proposition 13 funds, will be signed.

2. **Federal Nonpoint Source Grants:** Contracts for federal fiscal year 2002 will be finalized and a request for proposals for fiscal year 2003 funds will be released.
3. **Quality Assurance Guidance:** Quality assurance guidance is being prepared for environmental and watershed projects, budgeted for more than \$500 million, as required by the passage of Propositions 13, 40, and 50. In order to ensure that the environmental quality data collected is valid, the SWRCB will review its quality assurance project plan (QAPP) requirements and draft revised requirements as necessary. QAPPs are required for many federally funded projects and for the surface water ambient monitoring program. The final guidance will be distributed to all SWRCB and regional board staff responsible for these projects.

# **AIR RESOURCES BOARD**

ACCOMPLISHMENTS & PRIORITIES: July–December 2002

## Air Resources Board

The mission of the Air Resources Board (ARB) is to promote and protect public health, welfare, and ecological resources through the effective and efficient reduction of air pollutants while recognizing and considering the effects on the economy of the State.

### ***Developing and Implementing New Strategies to Effectively Reduce Air Pollution***

ARB is responsible for reducing emissions from motor vehicles, off-road equipment, fuels, consumer products, and air toxics. ARB also recommends pollution control measures for the industrial and commercial sources under the jurisdiction of California's 35 local air districts.

### **Accomplishments**

1. **Phase 3 California Reformulated Gasoline:** In July, ARB approved amendments to the California Phase 3 Reformulated Gasoline regulations, postponing by one year the phase-out of methyl tertiary butyl ether (MTBE) in gasoline in accordance with the Governor's March 14, 2002, executive order. In December, ARB approved additional technical amendments that clarify the regulation and assist in the transition away from MTBE.
2. **Rice Straw Expo:** In July, ARB hosted the Rice Straw Products Expo 2002 in Sacramento. The purpose of the expo was to promote alternative uses of rice straw. About 200 attendees represented local government, end users of rice straw, construction companies, and the general public. The expo also provided a marketing opportunity for rice straw products and related services. Fifteen companies had booths to show products, including compost, cattle feed, worm castings, erosion control materials, door cores, and bale construction materials.
3. **Smog Check II in the Bay Area:** In September, Governor Davis signed AB 2637 (Cardoza, Chapter 1001, Statutes of 2002), requiring the State Bureau of Automotive Repair (BAR) to implement the Enhanced Motor Vehicle Inspection and Maintenance Program (Smog Check II) in all urbanized areas in the nine-county San Francisco Bay Area. ARB staff supported the legislative hearings by providing the analysis of the air quality benefits of implementing Smog Check II in the Bay Area. Smog Check II is projected to reduce reactive organic gases (ROG) emissions by 7 tons per day and oxides of nitrogen (NOx) emissions by 11 tons per day in the Bay Area. The legislation also extends the new car exemption from four years to six years in vehicle age beginning in January 2004, unless ARB finds that such an exemption would interfere with compliance with the federal Clean Air Act. BAR anticipates initial implementation of the program by July 2003.
4. **San Diego Ozone Maintenance Plan:** In December, ARB approved San Diego's plan demonstrating how the region will maintain compliance with the federal one-hour ozone standard over the next decade. ARB submitted the plan to the U.S. Environmental Protection Agency (U.S.

EPA) with a request for expedited federal action to support transportation funding. ARB's requirements for an ever-cleaner vehicle fleet ensure that emissions in San Diego County will continue to decline in the next 10 years, despite anticipated growth. These further emission reductions are important to protect the region's attainment status from seasonal weather variations that promote ozone formation. The standards also promote San Diego's continued progress towards more health-protective air quality standards.

5. **Enhanced Vapor Recovery Regulation Amendments:** In December, ARB approved revisions to its enhanced vapor recovery (EVR) regulations based on a review of the available technology. In the review, ARB staff found that all but one of the previous EVR standards were technologically feasible or likely to be technologically feasible. The amendments recognize the current status of technology development and availability, and they focus the strictest provisions on the areas with recognized air quality problems.
6. **Revisions to Urban Transit Bus Fleet Regulations and a New Interim Certification Procedure for Hybrid Electric Vehicles:** In October, ARB adopted amendments to the urban transit bus fleet rule and an interim certification procedure for hybrid electric vehicles. The amendments respond to the unavailability of diesel particulate filter technology for pre-1994 urban bus engines by providing a new approach for achieving similar emission reductions. In addition, the amendments allow urban transit bus agencies to make a one-time change from the diesel path to the alternative fuel path. ARB also adopted a new interim certification procedure for hybrid electric vehicles used in the urban bus and heavy-duty vehicle classes. The interim certification procedure was based on the Society of Automotive Engineers testing protocol customized by ARB staff, with input from U.S. EPA and industry stakeholders for use in California.
7. **Stricter Emission Standards for Heavy-Duty Gasoline Trucks:** In December, ARB approved amendments that align State exhaust emission standards for heavy-duty gasoline trucks with stricter federal standards. The amendments harmonize the California and federal programs and take effect starting with the 2008 model year.

## Continuing Priorities

1. **Urban Vegetation Information Program:** While no action is anticipated in the next six months, ARB still plans to initiate a voluntary urban vegetation air quality information program to provide information to the public and distributors, encouraging the use of vegetation that is most beneficial to air quality. The program will be implemented in urban areas and provide information on hydrocarbon emissions and bioallergens associated with certain types of vegetation.
2. **M-17 In-Use Testing Program for Heavy-Duty Diesel Trucks:** In January, a status update will be presented to ARB on the M-17 project-development of an NOx screening test for in-use heavy duty vehicles. A test and repair study managed by ARB tested 71 trucks and completed repairs

and re-tests on 22 trucks. ARB staff completed the data evaluation in December. The M-17 project seeks to identify the magnitude of excess NO<sub>x</sub> emissions from heavy-duty diesel trucks, the cost and effectiveness of NO<sub>x</sub> related repairs, and the appropriate tailpipe emission levels necessary to identify poorly maintained or tampered vehicles.

3. **South Coast State Implementation Plan (SIP):** ARB continues to work with the South Coast Air Quality Management District, the Southern California Association of Governments, and other stakeholders on a comprehensive revision to the South Coast SIP. The 2003 revision will use the latest emissions data and control strategies to update plans for attaining the federal air quality standards for ozone and particulate matter 10 microns and less in diameter (PM-10). In December, ARB provided the district with proposed State and federal measures needed for the district's draft SIP. An ARB commitment to achieve additional emissions reductions will also be needed to demonstrate attainment of the federal one-hour ozone standard. The SIP is currently scheduled for public review and comment in early 2003, with adoption anticipated in mid-2003.

## Priorities

1. **AB 1493 Greenhouse Gas Regulation:** AB 1493 (Pavley, Chapter 200, Statutes of 2002) requires ARB to promulgate regulations by 2005 for controlling greenhouse gas emissions from automobiles beginning with model year 2009. To support this effort, during the first half of 2003 ARB plans to develop the greenhouse gas inventory, conduct an automobile technology symposium, and obtain an economic model for assessing consumer choice.
2. **Area Designations for the New Federal Eight-Hour Ozone Standard:** In spring 2003, ARB will submit recommendations for area designations for the new federal eight-hour ozone standard to U.S. EPA. Under a consent decree U.S. EPA recently entered into with several environmental groups, U.S. EPA must finalize eight-hour ozone nonattainment designations by April 2004. The environmental groups sued U.S. EPA because U.S. EPA failed to designate the eight-hour ozone nonattainment areas as required by the federal Clean Air Act. Most existing one-hour nonattainment areas will also be nonattainment for the eight-hour standard, in addition to some rural transport impacted areas that will be nonattainment for the first time.
3. **San Joaquin Valley PM-10 State Implementation Plan:** Following local adoption in the spring of 2003, ARB is expecting to consider the San Joaquin Valley PM-10 State Implementation Plan (SJV Plan) and submit it to U.S. EPA shortly thereafter. ARB has worked with the local air and transportation agencies, as well as other stakeholders in the San Joaquin Valley, on developing the SJV Plan. ARB has already provided the San Joaquin Valley Unified Air Pollution Control District with a significantly improved PM-10 emissions inventory and air quality modeling for the attainment demonstration. ARB staff will also provide the district with proposed ARB control measures needed for attainment.
4. **Transport Mitigation Regulation:** In May 2003, ARB will consider amendments to the transport mitigation regulation. Elements under consideration include changes to all feasible

measures and new source review requirements to ensure that upwind air districts have programs at least as effective as those adopted by their downwind neighbors. A public workshop will be held by February 2003, and ARB staff is meeting with districts and interested stakeholders.

5. **Solid Waste Collection Vehicles:** In May 2003, ARB will consider a proposed regulation to reduce particulate matter emissions from solid waste collection vehicles servicing residential and commercial sites. The proposed regulation requires that the best available control technology be applied to reduce emissions to the lowest possible levels. ARB staff coordinates industry work groups consisting of local municipalities and solid waste collection providers, and has already conducted several workshops. ARB staff will continue to work with stakeholders to discuss issues such as the recuperation of the costs of implementation for providers whose rates are regulated by long-term contracts.
6. **Measure to Reduce Emissions from Small Off-road Engines:** In June, ARB will consider measures to further reduce the emissions from small off-road engines. Under consideration are amendments to align the hand-held engine standards with the federal levels beginning with the 2005 model year. Proposing catalyst-based exhaust emission standards for the model year 2006 non-handheld engines is also under consideration. Additionally, staff expects to propose adoption of a new fuel tank permeation standard and a new evaporative emission requirement for all equipment that uses small off-road engines.
7. **Update of the Santa Barbara Maintenance Plan:** Santa Barbara County attained the federal one-hour ozone standard by the November 15, 1999, statutory deadline, a significant accomplishment for public health in the region. Santa Barbara Air Pollution Control District subsequently prepared its 2001 clean air plan, providing a stable and lasting foundation for continued attainment of the standard through the ten-year planning horizon. In December, the Santa Barbara district board adopted an update to the clean air plan to reflect revisions based on ARB's new motor vehicle emission factor model, EMFAC2002. The district submitted its clean air plan to ARB. ARB plans to submit the clean air plan to U.S. EPA in February 2003.

## ***Incorporating Environmental Justice Principles and Children's Health Issues into ARB Actions***

Over the last two decades, ARB policies and programs have helped to reduce the health risk from air pollution across California. However, ARB recognizes the need to address neighborhood-scale air quality issues. ARB will work to integrate EJ and children's health issues into all aspects of its programs, policies, and actions, and to improve its outreach efforts.

### **Accomplishments**

1. **School Bus Idling Airborne Toxic Control Measure (ATCM):** In December, ARB approved an ATCM that cuts diesel particulate matter and other toxics primarily by restricting school bus and other heavy-duty vehicle idling at and near schools. Children riding in and playing near buses

and heavy-duty vehicles are regularly exposed to pollutants from these sources, and are typically more vulnerable than adults to the adverse health effects caused by the pollutants. This measure implements elements of ARB's Diesel Particulate Matter Risk Reduction Plan and addresses several priority pollutants for children identified under the Children's Environmental Health Protection Act. In developing the measure, ARB staff worked closely with federal, State, and local government agencies; school districts; industry groups; and other stakeholders.

2. **ARB/California Air Pollution Control Officers Association (CAPCOA) Complaint Resolution Protocol:** Through a collaborative effort with the environmental justice stakeholders group, ARB staff developed and published the ARB/CAPCOA complaint resolution protocol. The environmental justice stakeholders group is comprised of representatives from community and environmental groups, industry, the CAPCOA, ARB, and other regulatory agencies. The protocol represents the best practices for the ARB and local air districts to use for ensuring timely and effective resolution of air pollution complaints, including conducting timely investigations, taking appropriate enforcement action when warranted, and informing the complainants of the results of the investigations. The complaint resolution protocol is available on the ARB Community Health Web site in both English and Spanish.
3. **Public Participation Guidebook:** With input from the environmental justice stakeholders group, ARB staff developed a public participation guidebook that will be published in the first quarter of 2003. The guidebook is a user-friendly manual for the general public, and it includes basic information on air pollution, responsibilities of government agencies, and how to participate in the public processes related to air quality issues. The public participation guidebook will be available on the ARB Community Health Web site in both English and Spanish.

### Continuing Priorities

1. **Report to the Legislature on Air Quality in Portable Classrooms:** The California Portable Classrooms Study is a joint study by ARB and the Department of Health Services (DHS) to investigate the environmental health conditions in portable classrooms. Requested by the Governor and mandated by the Legislature, this is the most comprehensive study to date of indoor environmental quality in K–12 schools. In 2002, ARB and DHS completed a mail survey of 1,000 randomly selected schools statewide and took field measurements in 201 classrooms. The draft report will be available for public review in spring 2003 and will be discussed at multiple public meetings. The final report and staff recommendations for improving environmental health conditions in portable classrooms will be presented to ARB in late spring 2003 and provided to the Legislature.
2. **Report on the Adequacy of the Monitoring Network:** As required by the Children's Environmental Health Protection Act, ARB is completing a report on the adequacy of California's air quality monitoring network in reflecting the levels of air pollutants that infants and children are breathing. A special expanded monitoring study in six communities across California provided critical data that support the network evaluation. Special monitoring will



continue for several months in three of the six communities. The report and findings will be published in spring 2003.

## Priorities

### 1. **Land-Use Informational Document for Local Air Districts and Local Government Agencies:**

ARB staff plans to develop and publish in mid-2003 a land-use informational document for local air districts and local government agencies intended to increase awareness of potential public health risk associated with land-use decisions. It will also provide information on frequently asked land-use-related air quality questions. ARB staff plans to supplement the land-use document over time by developing fact sheets that address more specific sources of air pollution in neighborhoods such as dry cleaners, gas stations, or auto body shops. The land-use informational document represents one of the specific commitments in ARB's environmental justice policies and actions.

## ***Promoting the Development, Commercialization, and Use of Zero- and Near-Zero Emission Technologies***

Development of low-emission technologies has been essential to improving California's air quality while accommodating growth. However, the state has not achieved all health-based air quality standards. In order to achieve and maintain these standards and reduce health risk from air toxics, California needs to pursue development, commercialization, and use of zero- and near-zero emission technologies.

## Accomplishments

1. **Zero-Emission Vehicle (ZEV) Incentive Funds:** ARB administers the statewide ZEV Incentive Program (ZIP). Over the past six months, ZIP has provided approximately \$2.1 million in grant incentives to public and private consumers towards the lease or purchase of 241 new zero-emission vehicles. Since its inception in October 2000, ZIP has provided approximately \$5.9 million towards the lease or purchase of 775 new zero-emission vehicles.

## Continuing Priorities

1. **California Fuel Cell Partnership:** ARB has been an important and active member in the California Fuel Cell Partnership (CFCP), participating in the CFCP Fuel Cell Road Rally along the California coast in September and hosting the International Fuel Cell Partnerships Summit in October. ARB's involvement promotes the development, commercialization, and use of fuel cell technologies.

## Priorities

1. **Zero-Emission Vehicle Program Amendments:** In April, ARB will consider proposed amendments to the Zero-Emission Vehicle (ZEV) Program regulations that address issues raised

by industry litigation and take into account current conditions and trends in zero- and near-zero emissions technology development. The proposed amendments include:

- Restarting the ZEV requirement in 2005.
- Defining three stages of fuel cell development, and awarding manufacturers greater amounts of credit for vehicles produced during those periods.
- Allowing the use of advanced technology partial zero-emission vehicles to meet up to half of a manufacturer's ZEV obligation.
- The possible use of hydrogen infrastructure as ZEV credit.

These modifications would primarily affect the ZEV requirements between the 2005 and 2011 model years.

## ***Achieving Necessary Emission Reductions Through Compliance Assistance and Aggressive, Firm, and Fair Enforcement***

ARB takes great pride in implementing regulations and other programs to improve air quality by limiting or eliminating emissions from statewide sources of air pollution. ARB has established many innovative regulatory programs, but these programs will not deliver the necessary emission reductions unless they are fully enforced.

### **Accomplishments**

1. **Administrative Penalty Program:** In December, ARB approved changes to its administrative hearing procedure regulations to comply with SB 527 (Sher, Chapter 769, Statutes of 2001). SB 527 authorizes ARB to pursue penalties for less significant violations through an administrative hearing process as an alternative to pursuing civil penalties through the court system. The law limits the amount that ARB may assess as an administrative penalty to \$10,000 per violation per day with a maximum assessment no greater than \$100,000. However, in no event may the penalty assessed exceed the maximum allowed by statute.
2. **Settlement Agreements for Air Quality Violations:** Over the past six months, ARB took successful action against violators of ARB's air quality regulations, collecting settlements totaling more than \$1 million. Enforcement orders were issued to a variety of companies, including those that manufacture engines, furniture polish, recreational vehicles, and gasoline cans. The largest single settlement of the past six months totaled \$350,000 against an automotive coatings manufacturer. Settlements go into the Air Pollution Control Fund and are used to mitigate various sources of pollution throughout the state.

## ***Improving Scientific Understanding of the Relationship Between Air Pollution and Health Effects***

The ARB health research program is continuing to advance its understanding of the link between air pollution and public health. ARB is placing an increased emphasis on community health and environmental justice. This is stimulating research within ARB on the health effects of individual and multiple air toxics as well as the impacts of air pollution on vulnerable populations. The indoor air quality and personal exposure program is helping ARB to better understand the sources and health effects of airborne pollutants in schools, homes, and workplaces.

### **Accomplishments**

1. **Fresno Asthmatic Children's Environment Study (FACES):** In December, ARB approved continued funding for FACES. The main goal of this study is to examine the health effects of air pollution, especially particulate matter, on children with asthma. FACES is a five-year study that monitors 300 asthmatic children through lung function tests, questionnaires, and skin testing for allergies. A unique and important aspect of this study is the extensive exposure assessment effort, which includes monitoring in some of the participant's homes. FACES will provide critical insights into the role of specific air pollutants and other environmental factors in the acute responses and natural history of childhood asthma. Findings from this study may assist ARB and other regulatory agencies to develop appropriate air pollution standards and regulations, and may help health care providers identify children who are at the greatest risk for adverse effects of air pollution.

### **Priorities**

1. **Tobacco Smoke as a Toxic Air Contaminant:** ARB will continue its work with the Office of Environmental Health Hazard Assessment (OEHHA) to recommend a formal finding identifying environmental tobacco smoke (ETS) as a toxic air contaminant later this year. ETS exposure is primarily from first- and secondhand cigarette smoke and has been associated with a variety of adverse health effects, including heart disease, sudden infant death syndrome, lung cancer, and other respiratory illnesses. ARB and OEHHA are working together as required by the toxic air contaminant identification program to formally identify ETS as a toxic air contaminant.

## ***Improving Technical Tools to Assess Air Pollution and Evaluating Air Quality Improvement Strategies***

Key to the air quality progress California has made are the findings revealed in robust data and the analytical tools underpinning ARB plans, initiatives, and regulatory strategies. ARB will continue to use the best science to answer the basic questions: What pollutants are people exposed to, and in what quantities? What are the pollution sources and how much do they emit? How does pollution move, react, and accumulate in the atmosphere?

## Accomplishments

1. **Public Release of EMFAC2002:** In October, ARB released to the public the latest version of its mobile source emission factor model, EMFAC2002. In December, ARB transmitted the model and documentation to U.S. EPA for approval for use in SIPs and SIP-related mobile source analyses (conformity findings). U.S. EPA approval in early 2003 is a crucial milestone for the SIP updates occurring in California, since the continued flow of transportation funding in certain regions depends on conformity findings based on EMFAC2002.
2. **New Innovative Clean Air Technology Grants:** In July, ARB approved three new grants:
  - General Electric (GE) Energy & Environmental Research Corporation received a \$200,000 grant for GE to demonstrate a new reforming technology to provide hydrogen to fuel cells.
  - S.T. Johnson Burner Company of Oakland received \$133,000 to install a burner for a broiler that is expected to emit fewer than 5 parts per million (ppm) of NO<sub>x</sub>, as compared to the 9 ppm that is required as the best available control technology.
  - Southwest Texas State University received \$99,324 for a project to demonstrate the durability and other performance characteristics of industrial coatings using paint resins from soybeans.

## Continuing Priorities

1. **Increased Ability to Monitor Air Quality in the California-Mexico Border Region:** ARB staff continues discussions with Mexico's environmental ministry, Secretaria de Medio Ambiente y Recursos Naturales, to reach a formal agreement to ensure the continued operation of an air quality monitoring network in the cities of Tijuana, Mexicali, and Tecate. An agreement would outline the monitoring goals, the responsibilities of the two agencies, and facilitate the eventual transfer of air quality monitoring capabilities and responsibilities to Mexico. The continued availability of air quality data will allow U.S. and Mexican authorities to better understand the causes and severity of air pollution in the border region, assess the extent of cross-border transport, develop effective pollution reduction programs, and measure progress towards attainment of air quality standards. The formal agreement is expected by June 2003.

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